

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00357/2020**

**Friday, this the 7<sup>th</sup> day of August, 2020**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**

**Hon'ble Mr. K.V. Eapen, Administrative Member**

P.D. Wilson, aged 55 years, S/o. The late P.V. Devassry,  
 Master Craftsman (Ship Fitter), Naval Ship Repair Yard,  
 Cochin Naval Base, Kochi, Residing at Payyappilli House,  
 PO Poovathussery, Thrissur District, Pin – 680 741,  
 Mob.:8075369017.

..... **Applicant**

**(By Advocate : Mr. C.S. Manu)**

**V e r s u s**

1. Union of India, represented by the Secretary,  
 Ministry of Defence, Government of India, New Delhi-110 001.

2. Flag Officer, Commanding-in-Chief, Cochin Naval Base,  
 Kochi – 682 004.

3. Commodore, Chief Staff Officer (P&A), Cochin Naval Base,  
 Kochi – 682 004.

4. Administrative Officer Grade-II, Civilian Administrative Officer,  
 Naval Ship Repair Yard, Naval Base, Kochi-  
 682 004.

..... **Respondents**

**(By Advocate : Mr. V.N. Mohanadasan, ACGSC)**

This application having been heard on 07.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

**ORDER (Oral)**

**Hon'ble Mr. P. Madhavan, Judicial Member –**

Heard Advocate Mr. C.S. Manu appearing for the applicant and  
 Advocate Mr. V.N. Mohanadasan, ACGSC appearing for the respondents  
 through video conferencing.

2. The applicant is aggrieved by Annexure A4 order passed by the respondents forcefully appointing him as Chargeman by way of promotion despite his non-willingness for such appointment. He has filed this OA seeking the following reliefs:

*“(i) Call for the records leading to Annexures A4 & A4(a) order and quash Annexures A4 & A4(a) orders.*

*(ii) Allow cost of this application to the applicant.*

*(iii) Grant such other and further reliefs that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”*

3. When the matter came up for consideration today, learned counsel for the applicant submitted that the applicant has filed Annexure A7 representation and he has mentioned his grievances in the said representation. He will be satisfied if the competent authority is directed to properly consider the said representation and pass a speaking order.

4. Learned counsel for the respondents has no objection in considering the representation filed by the applicant.

**5. In view of the limited relief sought by the applicant, without going into the merits of the case, the competent authority is directed to consider Annexure A7 representation filed by the applicant in the light of the relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. It is also directed that if the applicant is not relieved then status quo shall be maintained as on today and if he is relieved, he may be permitted to take eligible leave for his absence till a**

**decision is taken on his representation and no precipitate action shall be taken against him during this period.**

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

**“SA”**

**Original Application No. 180/00357/2020**

**APPLICANT'S ANNEXURES**

- Annexure A1** – True copy of the order No. 1(2)/80/D/CIV.1 dated 21.9.1982 issued by the Government of India, Ministry of Defence.
- Annexure A2** – True copy of the notification No. GSR 552 dated 28.7.2009 issued by the Government of India, Ministry of Finance.
- Annexure A3** – True copy of the recruitment rule for the post of Chargeman in Cochin Naval Ship Yard.
- Annexure A4** – True copy of the order dated 28.5.2020 bearing No. CS-2760/25 issued by the 3<sup>rd</sup> respondent.
- Annexure A4(a)** – True copy of order No. PA/03/5030/14/TS dated 24.7.2020 issued by the 4<sup>th</sup> respondent.
- Annexure A5** – True copy of the unwillingness certificate dated 29.7.2020 submitted by the applicant.
- Annexure A6** – True copy of the judgment dated 25.4.2019 in WP(C) No. 8642 of 2015 of the Hon'ble High Court of Delhi.
- Annexure A7** – True copy of the representation dated 29.7.2020 submitted by the applicant.
- Annexure A8** – True copy of the order dated 18.6.2020 in OA No. 236 of 2020 passed by this Hon'ble Tribunal.
- Annexure A9** – True copy of the representation dated 24.6.2020 submitted by Mr. Anilkumar S., Master Craftsman (Electronics), Naval Ship Repair Yard, Cochin Naval Base, Kochi, aged 55 years, Son of the late N. Soman, residing at Koyikalath Tharayil, Peringola PO, Kayamkulam, Alleppey District, Pin – 690 559 to the respondents 2 & 3.

**RESPONDENTS' ANNEXURES**

Nil

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