

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00015/2021

Monday this the 18th day of January 2021

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

D.Georgekutty

Retired Admiral Superintendent

Naval Ship Repair Yard, Naval. Pin.682004

Aged 63 years, S/o P.M Daniel, Poikavila House

Mulavarikkal Nagar, Konthuruthy

Thevara P.O, Kochi – 682 013

Phone No.9497154406

...Applicant

(By Advocate Mr.Johnson Gomez, Adv.Mr.C.Unnikrishnan)

v e r s u s

1. Union of India, represented by its Secretry to
Government of India, Ministry of Defence
New Delhi – 110 001

2. The Chief of Naval Staff, Naval Headquarters
Ministry of Defence, New Delhi – 110 001

3. The Flag Officer Commanding-in-Chief
Head Quarters, Southern Naval Command, Kochi – 682 004

4. The Admiral Superintendent
Naval Ship Repair Yard, Naval Base
Kochi – 682 004

....Respondents

(By Advocate : Mr.N.Anilkumar,SCGSC)

This application having been heard through video conference on 18th January 2021, this Tribunal on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant was retired from service as a Technical Assistant (Engineering) on 30.11.2017 from the Naval Ship Repair Yard (NSRY), Kochi. This Original Application is filed praying that the applicant was eligible for promotion to the post of Junior Technical Officer, while he was in service. He was not given the promotion, in spite of the fact that he was qualified and was having the necessary experience for promotion. Applicant has highlighted his grievances in Annexure A-5 representation which include the fact that the applicant was not promoted, due to the delay in conveying the review DPC before the date of retirement. Hence, he approached this Tribunal praying for the following reliefs:

- "1. To declare that the applicant is entitled to promotion to the post of JTO with effect from the date on which the post of JTO became vacant.*
- 2. To direct the respondents to consider the applicant to the post of JTO after conducting a Review DPC, against the vacancy that arose before the retirement of the applicant.*
- 3. To direct the second respondent to consider the Annexure S5 representation submitted by the applicant expeditiously as possible and within such time limit that this Honourable Court may consider appropriate;*

4. To pass such other reliefs as this Hon'ble Court may deem just and proper."

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant's representation at Annexure A-5 dated 28.9.2020 is still pending before the competent authority and the applicant will be satisfied if his representation is disposed of within a specified time frame.

3. Mr..N.Anilkumar,SCGSC takes notice on behalf of the respondents. He has no objection for disposal of the representation.

4. In view of the above, the Competent Authority is directed to consider Annexures A-5 representation dated 28.9.2020 in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

5. The O.A is disposed of as above at the admission stage itself. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER
SV

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

Annexure A1 – A true copy of the details of service/promotion of the applicant from the date of joining.

Annexure A2 - A true copy of the Seniority List of Technical Assistant, after his retirement as per reference no.CP(G)/0667/JTO/TO/TA/SL dated 26.10.2015

Annexure A3 - A true copy of the letter reference no.DL/0812/7559 dated 15.10.2019 issued by the Central Public Information Officer of the first respondent

Annexure A4 - A true copy of the letter No.PA/03/2690/03 dated 25.10.2018 issued by the Administrative Officer II in the NSRY

Annexure A5 - A true copy of the representation dated 28.9.2020 submitted by the applicant to the second respondent with copy to the third and fourth respondent.

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