

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00110/2021

Friday, this the 26th day of February, 2021

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Dr.Raju Narayana Swamy IAS aged 52 years
 S/o.K.S.Venkitachalam Iyer, presently working as Principal Secretary
 Parliamentary Affairs Department
 Government of Kerala, Secretariat,
 Thiruvananthapuram-695 001, residing at R.G.324
 Ulloor Gramam, Medical College P.O
 Thiruvananthapuram – 695 011

...Applicant

(By Advocate Mrs.Niharika Hema Raj)

v e r s u s

1. State of Kerala represented by its Chief Secretary
 Government Secretariat
 Thiruvananthapuram – 695 001

2. Union of India represented by its Secretary
 Department of Personnel and Training
 New Delhi – 110 001

....Respondents

(By Advocate : Mr.M.Rajeev,G.P for R1, Mr.T.C.Krishna,Sr.PCGC for R2)

This application having been heard through video conference on 26th February 2021, this Tribunal on the same day delivered the following :

O R D E R (O R A L)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant submits that he is a senior IAS officer of Kerala cadre with more than 29 years of unblemished service. He stands first in seniority among officers of the 1991 batch belonging to Kerala cadre. However the applicant submits that he has been denied promotion as Additional Chief Secretary by the 1st respondent. He submits that none of the reasons accorded in Annexure A1 and A2 to deny promotion to the applicant are correct. Hence he has approached this Tribunal praying for the following reliefs:

" 1. *Set aside Annexure A1 since it is incorrect in fact and law.*

2. *Direct the 1st respondent to promote the applicant as Additional Chief Secretary forthwith.*

3. *Direct the 1st respondent to ensure that none of the juniors/batch mates of the applicant are promoted as Additional Chief Secretary before the applicant is so promoted.*

4. *To issue such other relief that this Hon'ble Tribunal may deem fit. "*

2. When the matter came up for consideration, it is noticed that the remedies available to the applicant have not been exhausted as the representation of the applicant dated 10.2.2021 is still pending before the first respondent. Counsel for the respondents have no objection in disposal of the same as per rules.

3. In view of the pendency of representation, we deem it appropriate to direct the respondents to consider Annexure A-3 representation dated 10.02.2021 given by the applicant on the basis of relevant rules and regulations and pass a speaking order within a period of 3 months from the date of receipt of a copy of this order.

4. **The Original Application is disposed of as above without going into the merits.** No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 - True copy of the covering letter dated 6.2.2021 with decision of the Council of Ministers dated 24.12.2020

Annexure A2 - True copy of the RTI application made by the applicant dated 31.12.2020

Annexure A3 - True copy of the representation dated 10.2.2021 made by the applicant before the 1st respondent

Annexure A4 - A true copy of the said OM No.20011/4/92-AIS-II dated 28.3.2000 issued by the 2nd respondent

Annexure A5 - True copy of the letter issued by the Government of India (Department of Personnel and Training) no.22012/17/2015-AIS-II dated 12.8.2016.

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