

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00887/2019

Monday, this the 13th day of July, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Anzar T.A., S/o. P. Pookoya, aged 43 years,
 Junior Engineer, Lakshadweep Public Works Department,
 Administrative Office, Kochi, Residing at Thottathekara House,
 Kadmat Island, Lakshadweep. **Applicant**

(By Advocate : Mr. S. Muhammed Haneef)

V e r s u s

1. Union of India, represented by the Secretary to Government of India, Ministry of Urban Development, New Delhi – 110 001.
2. The Administrator of Union Territory of Lakshadweep, Kavaratti, Lakshadweep – 682 555.
3. The Superintending Engineer, Lakshadweep Public Works Department, Kavaratti, Lakshadweep-682 555. **Respondents**

[By Advocates : Mr. S.R.K. Prathap, ACGSC (R1) & Mr. S. Manu (R2&3)]

This application having been heard on 13.07.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

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

Heard Advocate Mr. S. Muhammed Haneef, appearing for the applicant, Advocate Mr. S.R.K. Prathap, ACGSC, appearing for respondent No. 1 and Advocate Mr. S. Manu, appearing for respondents Nos. 2 & 3, through video conferencing.

2. Applicant is a Junior Engineer in the Lakshadweep Public Works Department and posted at its administrative office at Kochi. The DPC convened for recommending eligible persons to be promoted as Assistant Engineer kept the recommendation in respect of the applicant in a sealed cover, since crime No. 1/2017 in Kavaratti Police Station was registered against the applicant on 24.1.2017. The action of the respondents denying him promotion is *per se* illegal and unsustainable in law. Hence, the present OA is filed seeking the following reliefs:

“I. to issue an order or direction, directing the 2nd respondent to consider the sealed cover recommendation of the applicant and promote him as Assistant Engineer in the Lakshadweep Public Works Department, if he is otherwise eligible.

II. To issue such other orders and directions as this Hon'ble Tribunal may find fit and proper in the facts and circumstances of the case.”

3. When the matter came up for consideration, learned counsel for the applicant submitted that he was not given promotion due the crime pending before the Court and according to him the said crime is now stayed by the Hon'ble High Court of Kerala in CrI. MC No. 3167 of 2020. He further submitted that one of the co-accused Mr. P. Muradshah was already promoted on 23.6.2018 as per Annexure A6 and his case may also be considered in the light of Annexure A6 passed by the respondents.

4. **In view of the limited submission made by the learned counsel appearing for the applicant and without going in to the merits of the case, we direct the competent authority to consider the representation to**

be filed by the applicant within a period of 7 days from the date of receipt of a copy of this order, and pass a reasoned and speaking order on the said representation in the light of the relevant rules and regulations and also showing the circumstances in which Annexure A6 was ordered within a period of one month from the date of receipt of such representation from the applicant.

5. The OA is disposed of as above at the admission stage itself. Consequently, MAs Nos. 181/260/2020 and 181/261/2020 are also disposed of. No costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the certificate issued by the 2nd respondent dt. 2.6.2004.
- Annexure A2** – True copy of the certificate issued by the 2nd respondent dt. 21.11.2004.
- Annexure A3** – True copy of the certificate issued by the 2nd respondent dt. 25.10.2007.
- Annexure A4** – True copy of the final report in FIR No. 1/2017 in Kavaratti Police Station with relevant portion and the English translation.
- Annexure A5** – True copy of the order dt. 15.2.2019 in OA No. 893/2017 on the file of this Hon'ble Tribunal at its circuit bench at Kavaratti.
- Annexure A6** – True copy of the order bearing F. No. 12/24/2017-Services (3)/2708, dt. 23.6.2018 issued by the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-