

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 415 of 1995

Wednesday, this the 29th day of March, 1995

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

1. PK Jaya Prakash Narayanan,
S/o P Raghavan Nair,
Telephone Inspector,
Parli Exchange, Palghat
Purayath House, Mankara. ... Applicant

By Advocate Mr. MR Rajendran Nair

Vs.

1. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
2. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi. ... Respondents

By Advocate Mr. TPM Ibrahim Khan, Senior Central Government
Standing Counsel

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

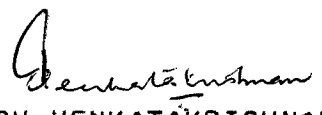
Applicant claims promotion as Higher Grade Technician with retrospective effect from the date promotion was granted to his juniors, during the period when he was in the category of Technician. He has produced A-4 order dated 8-11-1994 by which three officials have been promoted retrospectively with effect from 27-12-1977 to the higher grade and states that he may be similarly promoted. He has also produced A-2 letter dated 1-1-1992 in which the Department has stated that final reply to his request dated 15-5-1991 may be awaited. The applicant states that no further reply has been received.

2. The Department has to dispose of the representation dated 15-5-1991. Applicant may supplement it by a further representation to make his prayer up-to-date within three weeks of today to the first respondent. The first respondent shall consider that representation along with A-1 representation, and pass appropriate orders thereon within two months of the date of receipt of the fresh representation.

3. We dispose of the application as aforesaid. No costs.

Dated the 29th March, 1995


P SURYAPRAKASAM
JUDICIAL MEMBER


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.398/95

Tuesday this the 21st day of March, 1995.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.Vasu Nair,
Junior Telecom Officer,
Telephone Bhavan,
Tellicherry,
Cannanore.

... Applicant

(By Advocate Mr.K.Karthikeya Panicker)

vs.

1. Union of India represented by the Secretary,
Ministry of Communication,
New Delhi.
2. The Chief General Manager,
Telecom,
Kerala Telecom Circle,
Trivandrum.
3. The General Manager,
Telecom,
Telecom District,
Cannanore.

.. Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant seeks a declaration that he is :

"eligible and entitled to be promoted to the cadre of Telecom Engineering Service Group 'B' on the basis of his seniority above his juniors." (emphasis supplied)

2. When the application was filed, the Registry noted a defect to the effect that the juniors Raveendran and Bharathan, mentioned in paragraph 8 of the application, had not been impleaded. Applicant's counsel answered:

"applicant does not want to quash the promotion of M/s. Raveendran and Bharathan."

3. He prayed for listing the matter before us as unnumbered for orders. We directed the Original Application to be numbered

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and posted for admission. On going through the pleadings, we find that though applicant has not prayed for quashing the promotion of Raveendran and Bharathan, he has claimed seniority over Raveendran and Bharathan. The last sentence in Ground 'B' reads:

"... directions are to be issued to promote applicant to TES Group 'B' and place him above his juniors."

Ground H states:

" applicant is senior enough to be promoted to TES Group 'B' cadre. Sl.Nos. 6 and 11 in A9 are junior to applicant."

4. Sl.No.6 is Raveendran and Sl.No.11 is Bharathan whom the Registry suggested as necessary parties.

5. The statement that the relief of quashing is not sought is a glib statement, and reliefs against Raveendran and Bharathan are sought by seeking placement above them and therefore they are necessary parties. Without necessary parties before us, i.e. Raveendran and Bharathan (despite an alert made by the Registry), we cannot grant relief, as that would be a violation of the most basic principle of natural justice.

6. We dismiss the application. No costs.

Dated the 21st March, 1995.

P.V.VENKATKRISHNAN
ADMINISTRATIVE MEMBER

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN