

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. @ 416
~~T. A. No.~~

199 1

DATE OF DECISION 21.2.1992

M.D. Mary and 3 others Applicant (s)

Mr. P.V. Madhavan Nambiar Advocate for the Applicant (s)

Versus

Flag Officer Commanding in Chief Respondent (s)
Southern Naval Command, Cochin-4 and others

Mr. N. N. Sugunapalan, SCGSC Advocate for the Respondent (s) 1-5

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicants are civilian employees of the defence establishment working under the first respondent. They have filed this application challenging Annexure A-3 order by which respondents 6 to 9 were adjusted as UDCs due to the phased programme of winding up of certain offices under the first respondent. They have prayed for quashing of Annexure A-3 and for a declaration that they are entitled to be promoted in accordance with seniority under 75% quota in terms of the Recruitment Rules Annexure A-2.

2. When the case came up for final hearing, the learned Senior Central Government Standing Counsel, Shri N. N.

Sugunapalan, produced before us a communication received by him from the Flag Officer Commanding-in-Chief informing that the applicants 1 & 2 have been promoted to UDC w.e.f. 1.7.1991 and applicants 3 & 4 w.e.f. 14.8.91. The applicants also received copy of the orders promoting them to the post of UDC. But they are not satisfied. They press^h before us the third relief in the application which reads as follows:

" 3. to declare that the applicants are entitled to be promoted in accordance with the seniority under the 75% quota in the Recruitment Rules Annexure A-2."


3. Annexure A-2 is only a schedule of SRO-269 dated the 8th August, 1986. The contention of the applicants is that none of the respondents 6 to 9 have passed the limited departmental competitive examination to claim the benefit of 25% quota as envisaged in column. 9 of Annexure A-2. Hence, they cannot be transferred or promoted to occupy the post of UDC. This contention is answered in para 12 of the reply statement filed on behalf of the respondents 1 to 5 by stating that as per the recruitment rules for the post of UDCs, the post is to be filled up- 25% of the posts on the basis of limited competitive examination and 75% of the posts on promotion of LDCs on the basis of seniority cum fitness.

4. Neither the applicants nor the respondents have produced the full text of the Recruitment Rules so as to enable us to consider the contentions of the applicants in the light of the pleadings.

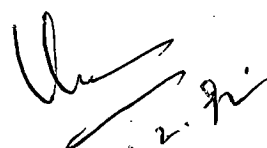
5. Since the main grievances of the applicants are redressed on account of their promotion to UDC by orders

passed during the pendency of the application, the only remaining portion is the seniority claimed by the applicants over respondents 6 to 9. This can be agitated by the applicants separately by raising all their grievances before the competent authority. Accordingly, we dispose of the application with a direction to the applicants to file a detailed representation in this behalf before the competent authority namely the third respondent, within a period of two weeks from the date of receipt of a copy of this judgment. If such a representation is filed, he shall dispose of the same after giving an opportunity of being heard to the applicants as expeditiously as possible, at any rate within a period of three weeks from the date of receipt of the representation.

6. The application is disposed of as above. There will be no order as to costs.


21.2.92

(N. DHARMADAN)
JUDICIAL MEMBER


21.2.92

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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