

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.43/98

Friday this the 9th day of January, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

Madhu Ramakrishnan,
residing at Thonniakavu, Nandyattukunnam,
North Paravur, employed as
Lower Division Clerk in the
Office of the Director,
Integrated Fisheries Project,
Kochi.16.

...Applicant

(By Advocate Mr. Asok M Cherian)

Vs.

1. The Director,
Integrated Fisheries Project,
Kochi.16.
2. S.D.Raju, Upper Division Clerk,
Vizag Unit of Integrated Fisheries
Project, Visakhapatnam, Andhra Pradesh...Respondents

The application having been heard on 9.1.98, the Tribunal on the same day delivered the following:

O R D E R .

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is a Lower Division Clerk who has been placed at No.2 in the panel prepared on the basis of the Limited Departmental Competitive Examination held on 9.1.97, which would be valid normally upto 9.1.98 has filed this application for a declaration that the appointment of the second respondent as U.D.C. under the first respondent is not made against the quota fixed for promotion on the basis of the Limited Departmental Competitive Examination and that the applicant is entitled for promotion to the post of U.D.C. against the vacancy which had arisen on 1.1.98 and

....2




for a direction to the first respondent to promote the applicant as UDC against the vacancy which has accrued on 1.1.98.

2. It has been alleged in the application that while the vacancy which arose on 1.1.98 falls to the 25% quota for promotion on the basis of the Limited Departmental Competitive Examination, according to the information gathered by the applicant from an undisclosed source, the 1st respondent is attempting to fill the vacancy by making promotion towards seniority quota treating the second respondent as a promotee under the Limited Departmental Competitive Examination quota. We have not been shown any materials which would even remotely indicate that there is any attempt on the part of the officials respondent to fill the vacancy against the provisions of the Recruitment Rules. A mere apprehension in the mind of the applicant, on the basis of information alleged to have been gathered from undisclosed sources cannot constitute a valid cause of action to approach the Tribunal and to claim reliefs. We are of the considered view that the application is premature and devoid of cause of action and is not therefore, maintainable.

3. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 9th day of January, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN