

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 436/2001

Wednesday, this the 8th day of January, 2003.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

C.K. Sudhakaran,
Lascar,
Naval Ship Repair Yard,
Kochi - 682004.

... Applicant

(By Advocate Mr. M.M. Saidu Muhammed)

Vs

1. The Union of India rep. by the Secretary to Government, Ministry of Defence, New Delhi.
2. Flag Officer, Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi.
3. The Commodore Superintendent, Naval Ship Repair Yard, Kochi - 682004.
4. The Chief Staff Officer (Personal & Administration), Southern Naval Command, Kochi - 682 004.

... Respondents

(Mr. C. Rajendran, SCGSC)

The application having been heard on 8.1.2003, the Tribunal on the same day delivered the following :

ORDER

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

The applicant who is working as Lascar and possesses the qualification under the recruitment rules for appointment to the post of Syrang of Lascar, but does not fall in the feeder category of "Sukhani", has filed this application aggrieved by the rejection of his representation to consider him for promotion as Syrang of Lascar by Annexure A5 order seeking a declaration that he is entitled to be considered for promotion to the post of Syrang of Lascar in the light of the decisions in OA Nos. 553/93

and 1654/98 and for a direction to the respondents to consider the applicant for promotion to the post of Syrang of Lascar against the existing vacancy if necessary by relaxation of recruitment rules and to reckon the seniority of the applicant also while considering Lascar First Class for promotion to the post of Syrang of Lascar whenever promotions are made relaxing the recruitment rules.

2. It is alleged in the application that similarly situated persons like the applicant have filed OA Nos. 553/93 and 1654/98 and those OAs were disposed of as per Annexure A2 and A3 orders directing the respondents that they shall give six months' time to the existing Sukhanis to acquire the qualification prescribed for the post of Syrang of Lascar and if they fail to acquire the said qualification, to consider the applicants also for promotion in relaxation of the recruitment rules.

3. Though the respondents have filed reply statement, we are informed that OA No.689/00 was disposed of following the rulings in Annexure A2 and A3 and respondents were directed to consider the applicants in that case for promotion to the post of Syrang of Lascar after giving 6 months' time to Sukhanis to acquire the qualification for promotion to the post of Syrang of Lascars.

4. The learned counsel on either side agree that this application may be disposed of directing the respondents to consider the applicant also for such promotion to the post Syrang of Lascar along with applicants in OA 689/00 as the applicants in that case are similarly situated like the applicant in this case.

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5. In the light of the above submission by the counsel on either aside, the application is disposed of directing the respondents that if the Sukhanis in the feeder cadre fails to qualify for promotion to the post of Syrang of Lascars within a period of 6 months stipulated in the order in OA 689/00, the applicant in this case also shall be considered for promotion like the applicants in OA 689/00 to the post of Syrang of Lascar, if necessary by relaxing the provisions of recruitment rules. No costs.

Dated the 8th January, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True photostat copy of the certificate of Competency of Second Class Master dated 2.2.2001 issued by the Mercantile Marine Department to the applicant.
2. A-2: True photostat copy of the order dated 7.13.94 of the Hon'ble Central Administrative Tribunal, Ernakulam in O.A.No.553/1993.
3. A-3: True photostat copy of the order dated 25.2.99 in OA No.1654/98 of the Hon'ble Central Administrative Tribunal, Ernakulam.
4. A-4: True copy of the representation dated --2-01 submitted by the applicant before the 2nd respondent.
5. A-5: True photostat copy of the communication No.P.A/03/5030/Misc.(1) dated 21.4.2001 issued by the 3rd respondent.

Respondents' Annexures:

1. R-1: A true photocopy of the recruitment/promotion rules, dated 20.2.1981.
2. R-2: A true photocopy of the order of the Hon'ble CAT in O.A.No.416/98 dated 23.2.2001.

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