

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.457 of 1997

Wednesday this the 11th day of June, 1997.

CORAM

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

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

K.A.Larar,  
Semi-skilled Labourer  
Token No.482,  
NSD, Kochi-4.

.. Applicant

(By Advocate Mr. P.K.Muhammed)

Vs.

1. Union of India represented  
by the Defence Secretary,  
New Delhi.
2. The Flag Officer Commanding-in-Chief  
Headquarters, Southern Naval Command,  
Kochi.4.
3. The Controller of Materials,  
Southern Naval Command,  
Naval Stores Depot,  
Kochi.4.

.... Respondents

(By Advocate Mr. MAShefik for Shri TPM Ibrahim Khan)

The application having been heard on 11.6.1997, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant was appointed as an Unskilled  
Labourer in the Naval Stores Depot, Kochi in the year  
1981. He was required to produce a medical certificate  
of fitness before the appointment. He produced the  
certificate (A-12) which shows that he had Post Polio  
Paralysis of the left upper extrimity but the medical  
board did not consider him unfit for holding the post.

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Therefore he was appointed. Since he was not given promotion to the next higher grade ie., Semi Skilled Labourer, in March, 1996 he made a representation stating that he passed the requisite trade test in the year 1991. Considering the representation and his eligibility the applicant was promoted to a Semi Skilled Grade with effect from 16.7.96. Thereafter the applicant made another representation on 14.1.97 claiming that he should have been promoted earlier and requesting for antedated promotion with all consequential benefits. This representation was considered by the competent authority, who passed the impugned order turning down the claim on the ground that the applicant, was not appointed towards a physically handicapped quota, that the only representation which he made for promotion in the physically handicapped quota was the one which made in March, 1996, that the above representation was considered and the applicant was promoted with effect from July, 1996 and that therefore there is no merit in the claim made by the applicant in his representation. It is aggrieved by that the applicant has filed this application praying that the impugned order may be quashed and for a direction to second respondent to grant the applicant service benefits and other financial benefits from the date of acquiring test qualification for Semi Skilled Labourers granting notional promotion with effect from that date.

2. We have perused the application and the annexures thereto and have heard Shri Muhammed and the Sr.CGSC. On

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a careful scrutiny of the materials on record and on hearing the learned counsel, we are of the considered view that the applicant does not have any legitimate grievance to be redressed. It is evident from the materials available on record that the applicant was not appointed towards a post in physically handicapped quota. The applicant remained in the seniority list as a general candidate and was not shown as a physically handicapped in the post of Unskilled Labourer. It was only in March, 1996 for the first time that the applicant made a claim for promotion to the higher post in the physically handicapped quota. Without any delay the matter was processed and promotion of the applicant was made to the higher post with effect from July, 1996. We therefore find nothing in this application which needs further deliberation. Therefore, the application fails and the same is rejected under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 11th day of June, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURE

Annexure A-12: True copy of the Medical Certificate  
issued by the Medical Board Ernakulam  
to the applicant dated 15.12.1976.

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