

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 458 of 1994

Tuesday, this the 14th day of February, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. KO Thomas,
S/o Uthuppan,
Skilled Worker Grade-2,
Government of India Production Centre,
Thiruvalla (Retired)
Residing at Kaipakasseril house,
Eraviperur PO, Thiruvalla.
2. C John Mathew,
S/o CM John Skilled Worker Grade-2,
Government of India Production Centre,
Thiruvalla (SEPTI).
3. Central Government Production Centre
Employees Association,
Registration No. 98/64,
represented by its Secretary,
KKS Pillai. .. Applicants

By Advocate Mr. Thampan Thomas

Vs.

1. Union of India represented by
the Secretary to Government,
Ministry of Industries,
Udyog Bhavan, New Delhi.
2. Development Commissioner,
Small Scale Industries,
Nirman Bhavan, New Delhi.
3. The Director,
Small Industries Service Institute,
Ayyanthole, Trichur District.
4. The Director,
Government of India Production Centre (E&T),
Ettumanoor.
5. Secretary to Government,
Ministry of Finance,
New Delhi.
6. Secretary to Government,
Department of Personnel, Public Grievances
and Pensions, New Delhi. .. Respondents

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

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

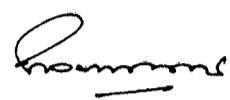
Applicants seek a declaration that they are entitled to be considered for 'in-situ promotion', by which they mean that they are entitled to be promoted in terms of A-1 order.

2. Finding that the category of employees like applicants have been stagnating for long without promotion, A-1 order was issued. Subject to certain conditions an official will be granted 'in-situ promotion'. The condition material for the purposes of the case on hand, is that the official must have stagnated at the highest stage of the pay scale, for a year or more. Applicants would submit that they have and respondents would submit that applicants have not. If the highest stage is understood as the highest stage of pay in the pre-revised scale of pay, perhaps applicants have a case. But, respondents have understood the expression as the highest stage in the scale of pay current, on the date of A-1 order. We are not called up on to decide which of the two views is correct. This is not the function of a Tribunal, exercising judicial review. We are only required to consider whether the view taken by respondents, is a view which no person or authority reasonably instructed in facts or law, would have come to. The view taken by the Department is a view which could have been taken. Whether there is a better view or not, is alien to the context. Where there are two views (and there are hardly any set of facts where two views are not possible), the view taken by the authority competent to take the view will not be voided, unless it is unreasonable

pervasive or vitiated by errors apparent on the face of the record. The view in A-6 and A-7 do not suffer from that vice.

3. The application fails and we dismiss the same. No costs.

Dated the 14th February, 1995



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

1. Annexure-A1: A photo copy of order G.I.M.F., O.M.F. No.10(1)/E.111/88 dated 13.9.1991 issued by the Ministry of Finance, New Delhi(25)
2. Annexure-A6: A true copy of letter of R3 No.C.18013/9/92-E dated 4.1.94 to the 1st petitioner regarding the clarification.
3. Annexure-A7: A true copy of communication from the office of the 2nd respondent No.C.18013/18/93-A(NG) dated 3.12.93 issued to the 4th respondent.