

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

D. A. No. 462 of 1992  
T. A. No.

DATE OF DECISION 25-3-1992

K Ramachandran Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India & 4 others Respondent (s)

Mr Mathews J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. PS HABEEB MOHAMED, ADMINISTRATIVE MEMBER  
&

The Hon'ble Mr. AV HARIDASAN, 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 AV Haridasan, Judicial Member)

The grievance of the applicant presently working as Assistant Engineer, Doordarshan Kendra, Trivandrum is that the respondents refused to give him earlier promotion as Senior Engineering Assistant in his due turn at least with effect from the date of promotion of his juniors in the cadre of Engineering Assistants. He is further aggrieved by the denial of earlier promotion as Assistant Engineer. The applicant has challenged the correctness of the seniority list at Annexure-V dated 12.4.1990 /and the eligibility list at Annexure-VA dated 21.9.1990.

..2...

Aggrieved by the lower position assigned to the applicant in the above said two lists, the applicant made a representation to the second respondent on 17.10.1990(Annexure-VIII). It is finding that there is no response to this representation that the applicant has approached this Tribunal with this application under Section 19 of the AT Act for a declaration that she is entitled to be assigned promotion to the category of Senior Engineering Assistant and Assistant Engineer with effect from the date of promotion of his juniors in Annexure-IV list and that he is entitled to be granted all consequential benefits and also for an order quashing the impugned orders at Annexure-V and V-A.

2. When the matter came up on admission, the learned Additional Central Government Standing Counsel appearing for the respondents and the learned counsel for the applicant submitted that <sup>in</sup> the interest of justice, it would be sufficient if the respondent-3 is directed to dispose of the Annexure-VIII representation submitted by the applicant within a reasonable time. We are also of the view that the appropriate course would be to let the Department take a decision in the matter ~~and then~~ <sup>2</sup>  
~~only if necessary exercise our judicial discretion~~ <sup>2</sup>

3. In the above circumstances, we admit the application and dispose of the same with a direction to the third respondent to consider the representation submitted by the applicant at Annexure-VIII and to pass appropriate orders, in accordance with law, within a period of two months from the date of communication of of this order. There is no order as to costs.

( AV HARIDASAN )  
JUDICIAL MEMBER

(PS HABEEB MOHAMED )  
ADMINISTRATIVE MEMBER

25-3-1992

tr's