

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.465/06**

Friday this the 7<sup>th</sup> day of December 2007

**C O R A M :**

**HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN  
HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

K.Balan,  
Civilian Motor Driver Grade – I,  
O/o.the Assistant Garrison Engineer (independent),  
Naval Armament Depot, Alwaye. ...Applicant

(By Advocate Mr.P.K.Madhusoodhanan)

**Versus**

1. Garrison Engineer (independent),  
Military Engineering Services, Kochi.
2. The Chief Engineer, Head Quarters,  
Southern Command, Pune – 1.
3. Union of India represented by its Secretary,  
Ministry of Defence, Kashmiri House, New Delhi.
4. Sri.Ravindran Unnithan,  
Civilian Motor Driver Grade – I,  
O/o.the Garrison Engineer (independent),  
Kochi – 4. ...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC [R1-3])

This application having been heard on 7<sup>th</sup> December 2007 the  
Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN**

The applicant is a Civilian Motor Driver Grade – II in the office of the  
Assistant Garrison Engineer. He has filed this O.A seeking seniority in the  
cadre of Civilian Motor Driver Grade – I with effect from 1.4.1997 as  
against the 4<sup>th</sup> respondent and for grant of all consequential monetary  
benefits arising therefrom.

*[Signature]*

.2.

2. Reply statement has been filed by the respondents. Paragraph 3 thereof reads as follows :-

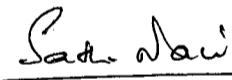
" On request of applicant he was transferred to Southern Command which is totally a different cadre controlling authority called Head Quarters Chief Engineer Southern Command Pune with effect from 27.4.1988. As such his seniority for promotion has been ascertained under Chief Engineer Southern Command Pune with effect from 27.4.1988. In the instant case applicant has drawn equation to his seniority to that of Shri.Ravindran Unnithan who is having seniority with effect from 12<sup>th</sup> May 1983 whereas seniority of applicant is ascertained with effect from 27.4.1988 which is a settled position. As such applicant is not senior to Shri.Ravindran Unnithan and promotion ordered by respondents 1 to 3 is fair. The averments of applicant in this paragraph are denied."

3. When the matter came up for hearing today, in the light of this factual position averred in the reply statement, counsel for the applicant submitted that he accepts the position. Nothing more survives in this O.A. The same is, therefore, dismissed.

(Dated the 7<sup>th</sup> day of December 2007)

  
GEORGE PARACKEN  
JUDICIAL MEMBER

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SATHI NAIR  
VICE CHAIRMAN