

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.474/97

Wednesday, this the 23rd day of April, 1997.

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

K Balakrishnan,
Senior Chargeman,
Naval Ship Repair Yard,
Naval Base, Kochi—682 004.

....Applicant

By Advocate Shri Varghese Myloth.

vs

1. Union of India represented by the
Secretary, Ministry of Defence,
New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters,
New Delhi.
3. The Flag Officer Commanding-in-Chief,
Headquarters, Southern Naval Command,
Kochi—682 004.
4. The Admiral Superintendant,
Naval Dockyard, Visakhapatnam.
5. Shri IN Unnikrishnan, Senior Foreman,
Naval Ship Repair Yard,
Naval Base, Kochi—682 004.

....Respondents

R.1-4 by Shri S Radhakrishnan, Addl Central Govt Standing Counsel.

The application having been heard on 23rd April, 1997,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN

The applicant, who is working as a Senior Chargeman in
the Naval Ship Repair Yard, Naval Base, Kochi, is aggrieved that
the fifth respondent, IN Unnikrishnan, who according to applicant,
(PPC)
was not qualified to hold the post of Senior Foreman/as his trade

contd.

was electrical, had been irregularly transferred and posted as Senior Foreman in the Naval Ship Repair Yard, Kochi, in the year 1987. Applicant made a representation on 13.9.94 for the first time, and followed it by another representation dated 10.11.95. In reply to these representations, applicant was served with the impugned communication dated 25.3.96 by which he was informed that the Naval Headquarters have concurred with the views expressed by the Southern Naval Command on his representation and held that it was not feasible to re-open the issue which was settled many years ago. Applicant has stated that the process of selection to fill up the post of Senior Foreman (PPC) was first initiated in 1985, that it was unjustifiably dropped though applicant was qualified and eligible for direct recruitment, that thereafter in 1987 the fifth respondent who was ineligible to be posted as Senior Foreman was transferred and posted, that this action was challenged by one Raveendran Nair in OA 319/92, that the above application was disposed of with a direction to consider the claim of the applicant therein, that the representations submitted by Raveendran was considered and rejected in 1994 and that after that the applicant made the representations at Annexure A.4 and A.5. Applicant has stated that rejection of his representations by the impugned order A.6 is unjustified and seeks to have the said order set aside as also for a declaration that fifth respondent is not entitled to be transferred and posted as Senior Foreman (PPC). Applicant has further prayed that the respondents may be directed to consider the applicant for the post of Senior Foreman (PPC) in accordance with SRO 291.

2. We have heard the learned counsel for applicant at length and have also perused the application and the annexures thereto. We have also heard Shri S Radhakrishnan, Standing Counsel for

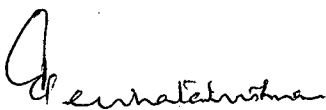
contd.

respondents. The basic grievance of applicant is that the fifth respondent, who according to applicant, was not eligible to be transferred and posted as Senior Foreman (PPC) had been unjustifiably and illegally transferred and posted as Senior Foreman. This was in the year 1987. Therefore, the grievance had arisen a decade ago, but the applicant made an issue of this for the first time only in 1994, when he made a representation. That

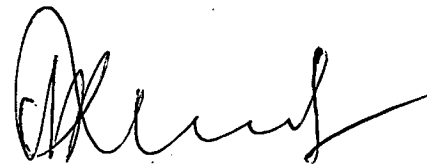
That one Raveendran has assailed the action in an Original Application before this Tribunal is not a good reason for applicant not to seek redressal of his grievance, if he had any. Applicant failed to do so. When the applicant made his representation seven years after posting fifth respondent, the issue was considered and he was told that the matter which was settled years ago could not be re-opened. We are of the view that the decision taken by respondents not to re-open the issue which was settled way back in 1987 is in order. We find no subsisting legitimate grievance of applicant to be redressed in this application.

3. The application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985. No costs.

Dated the 23rd April, 1997.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



AV HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

Annexure A-4: True copy of the representation
dated 13.9.1994 given by the
applicant to the 3rd respondent.

Annexure A-5: True copy of the representation
dated 10.11.1995 sent by the
applicant to the 3rd respondent.

Annexure A-6: True copy of the order
No.NSRY/10/267/1 dated 25.3.96
issued by the 3rd respondent.

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