

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 488 of 2004

Tuesday, this the 29th day of June, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. A. Narayanankutty,  
S/o P. Raman Nair,  
Mechanic (Ice Plant),  
Integrated Fisheries Project, Kochi-682016  
Residing at "IFP Quarters", Pulleppady,  
Kochi-682018 .....Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

1. Union of India represented by the  
Secretary to the Government of India,  
Ministry of Agriculture, Department of  
Animal Husbandry & Dairying, New Delhi.
2. The Director,  
Integrated Fisheries Project,  
Ministry of Agriculture, Kochi-682016 .....Respondents

[By Advocate Mr. S.K. Balachandran, ACGSC]

The application having been heard on 29-6-2004, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, who has been working as a Mechanic (Ice Plant) since 31-1-1992 and eligible to be considered for promotion to the next higher post of Assistant Operator in the scale of pay of Rs.4000-6000 after service of five years as Mechanic (Ice Plant), is aggrieved that despite the existence of 3 vacancies the respondents did not promote him, but only one P.V.Babu was promoted. The applicant says that since 3 vacancies are there in the promotion quota, there is absolutely

no justification for not promoting the applicant especially when the post of Assistant Operator is a non-selection post. With these allegations, the applicant has filed this application for a declaration that non-feasance on the part of the respondents to convene the DPC and to consider the applicant for promotion to the post of Assistant Operator is arbitrary, discriminatory, contrary to law and unconstitutional and for a direction to the respondents to convene the DPC and to consider the applicant for promotion to the post of Assistant Operator and to grant all consequential benefits thereof.

2. When the application came up for hearing, Shri S.K. Balachandran, ACGSC took notice on behalf of the respondents.

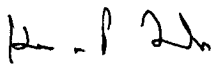
3. Counsel on either side agree that the application may be disposed of permitting the applicant to make a detailed representation to the 2nd respondent in regard to his grievances pointing out his eligibility and directing the 2nd respondent to consider and dispose of the representation within a reasonable time.

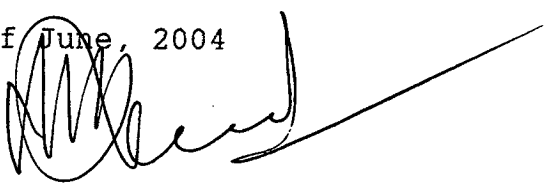
4. In the light of the above submission by the learned counsel on either side and in the interest of justice, the Original Application is disposed of permitting the applicant to file a representation projecting his grievances and highlighting his entitlement within a period of 10 days from the date of receipt of a copy of this order and directing the 2nd respondent that when such a representation is received the same shall be considered in the light of the extant rules and instructions on the subject as also the fact regarding

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availability of vacancies and to dispose of the same by a speaking order within a period of two months from the date of receipt of such representation. There is no order as to costs.

Tuesday, this the 29th day of June, 2004

  
H.P. DAS  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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