

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
~~T. A. No.~~

490

1991

DATE OF DECISION 16.7.92

John P.O.

Applicant (s)

Mr. M.N. Rajendran Nair

Advocate for the Applicant (s)

Versus

The Chief General Manager, Respondent (s)  
Telecommunications, Kerala Circle, Trivandrum and others

Mrs. K.B. Subhagamani, ACGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. S. HABEEB MUHAMED, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, 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. N. DHARMADAN, JUDICIAL MEMBER

The applicant is at present working as a Telephone Operator Telephone Exchange, Kalady. He has filed this application under section 19 of the Administrative Tribunals' Act, 1985 with the following reliefs:

- i) To declare that the applicant is entitled to the increments above the efficiency bar on the respective due dates and to declare the action of the respondent stopping the same indefinitely is null and void and to direct grant of increments with consequential arrears together with interest at the rate of 12%.
- ii) Declare that the applicant was entitled to be considered for promotion to LSG under the time bound one promotion scheme with effect from the date on which he completed 16 years of service and to direct the respondent to grant such promotion with consequential benefits including arrears of salary, with interest at the rate of 12% per annum.

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iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant.."

2. At the time of final hearing, the learned counsel for the applicant submitted that during the pendency of the Original Application, the respondents have passed orders granting the relief of crossing of Efficiency Bar w.e.f. 1.1.86 and promoting him under the time bound one promotion scheme w.e.f. 1.4.91. Under the said order granting xxx relief, the applicant has a fresh cause of action. The applicant is not satisfied with this order. According to the applicant, he is entitled to the benefit of crossing of the Efficiency Bar from 9.1.77 and eligible for time bound one promotion from 9.1.87 when he has completed 16 years of service in the post <sup>he will take the matter</sup> and separately.


3. The learned counsel for the respondents submitted that the present order has been passed considering the applicant's eligibility according to the rules and the time bound promotion was delayed till 1991 only because of the adverse remarks in the CRs. Nevertheless, the applicant's claim for promotion was considered by the JDP in 1987, 1988, 1989, 1990, but he was not found fit because of the adverse remarks in the CR.

4. However, the applicant submitted that this case can be closed in the light of the present order reserving his right to agitate the grievances, if any, against the same separately.

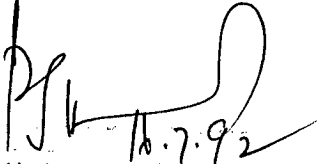
5. In the light of the above statement, we are of the view that the applicant can be closed accepting the request of the learned counsel for the applicant. Accordingly, we close the application making it clear that if the applicant is not satisfied with the order already passed by the respondents he is free to take appropriate legal action permissible under the law.

6. The application is closed with the above observation.

7. There will be no order as to costs.

  
(N. Dharmadan)  
Judicial Member

16.7.92

  
(P.S. Habeeb Mohamed)  
Administrative Member