

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 523 of 1994  
OA No. 1373 of 1994  
and  
OA No. 1476 of 1994

Wednesday, this the 19th day of April, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

OA 523/94

1. Abdul Jabbar,  
Revenue Inspector,  
Collectorate, Kavarathi. .. Applicant  
By Advocate Mr. N Anil Kumar

Vs.

1. The Union of India represented  
by the Secretary,  
Ministry of Urban Development,  
New Delhi.  
2. The Secretary,  
Ministry of Home Affairs,  
New Delhi.  
3. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathi.  
4. The Collector-cum-Development  
Commissioner, Union Territory  
of Lakshadweep, Kavarathi. .. Respondents

By Advocate Mr. MVS Namboodiri (R.3 and 4)

OA 1373/94

1. CG Abdullakoya,  
Head Draftsman,  
Survey and Settlement,  
Collectorate,  
Union Territory of Lakshadweep,  
Kavarathi. .. Applicant  
By Advocate Mr. K Balakrishnan

Vs.

1. Union of India represented by  
Secretary to Government,  
Ministry of Home Affairs,  
New Delhi.  
2. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.

3. Collector-cum-Development Commissioner,  
Union Territory of Lakshadweep,  
Kavaratti.

.. Respondents

By Advocates Mr. PR Ramachandran Menon, ACGSC (R.1)  
Mr. MVS Namboodiri (R.2 and 3)

OA 1476/94

1. B Jaleel,  
Revenue Inspector,  
Agatti Island.

.. Applicant

By Advocate M/s Santhosh and Rajan

Vs.

1. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.
2. The Collector-cum-Development Authority,  
Collectorate, Union Territory  
of Lakshadweep, Kavaratti.
3. Abdul Jabbar,  
Revenue Inspector,  
Collectorate, Kavaratti.

.. Respondents

By Advocate Mr. MVS Namboodiri (R.1 and 2)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant in OA 1373/94 a Head Draftsman in the scale of pay of Rs.1350-2200, and applicants in OA 523/94 and OA 1476/94 Revenue Inspectors in the scale of pay of Rs.1200-2040, seek promotion to the post of Superintendent of Survey (created in March, 1994) in the scale of pay of Rs.1640-2900.

2. One of the qualifications prescribed for this post is ten years experience in the lower post for those like applicants. For officials in scale Rs.1400-2300 only five years experience is necessary.

3. Applicants submit that they are professionally competent to discharge the duties of the post of Superintendent of Survey and that only the rigorous qualification of ten years service


stands in their way. It is also submitted that providing adequate promotional avenues to keep the service content, is an accepted norm in areas of service jurisprudence, and that this has been recognised by the Apex Court in Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Govt. of Bihar & Ors. (AIR 1988 SC 1033) and Dr.(Ms) O.Z. Hussain Vs. Union of India & Ors (AIR 1990 SC 311).


4. We are also told that the Administrator has the power to relax qualifications in appropriate cases. When a new post is created and when there are not enough qualified candidates and when career advancement is an accepted norm, whether the rules should be relaxed or not is a matter, which the administrative authority must consider.

Respondent Administrator will consider this matter bearing in mind the diverse relevant considerations, and pass appropriate orders. Applicants may make a representation before the Administrator within four weeks of today, and the Administrator shall pass a reasoned order thereon within two months of the date of receipt of the representation. Till such time, a regular appointment will not be made to the post of Superintendent of Survey.

5. We dispose of the application as aforesaid. No costs.

Dated the 19th April, 1995

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN