

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.532/2005

Monday this the 8th day of January 2007.

CORAM:

**HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER
HON'BLE MR.N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

A.Ramesh Prabhu,
Upper Division Clerk, Office of the
Official Liquidator, High Court of Kerala,
Company Law Bhavan-3rd Floor,
Thrikkakara, Kochi-24. Applicant

(By Advocate Shri C.T. Ravikumar)

Vs.

1. Union of India, represented by the Secretary to Government, Department of Company Affairs, Shasthri Bhavan, Dr.Rajendra Prasad Road, New Delhi-110 011.
2. The Regional Director, Southern Region, Department of Company Affairs, Shasthri Bhavan, Block-I, V-Floor, 26-Haddows Road, Chennai-6.
3. The Official Liquidator, High Court of Kerala, Law Bhavan-3rd Floor, Thrikkakara, Kochi-24.

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

This application having been heard on 8.1.2007,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER

The applicant was initially appointed as Company Paid staff in the year 1975. In terms of a Scheme formulated in 1978, he was absorbed as LDC in 1984 and later on was promoted as UDC and is continuing in the said post. As per the

Scheme formulated in 1978, 50% of the vacancies in the Direct Recruitment quota in group 'C' posts were to be filled up from among the eligible candidates in the Company Paid Staff. Accordingly, 50% of the total number of posts of LDCs (As all posts are to be filled up by direct Recruitment) and 25% (As posts are to be filled up by Direct Recruitment and promotion in the ratio of 1:1) of total number of posts of Junior Technical Assistants (JTAs for short) were to be filled up from among Company Paid Staff. The pay scale of JTA happens to be more than that of LDC.

2. The applicant has made a representation to the respondents as late as in October 2003 that some of his juniors in the grade of Company Paid Staff were considered according to the same scheme of 1978 and were accommodated as JTA. According to the applicant, since he also possess the requisite qualifications for recruitment to the post of JTA he too should be given promotion. As there was no joy to the said representation the applicant has moved this O.A. seeking the following reliefs:

- 1) To declare that the applicant was eligible and entitled to be appointed as Junior Technical Assistant i preference to his juniors viz., Company Paid Staff appointed as such after 31.3.1978 as against the vacancies identified as the vacancies for absorption of company paid staff;
- ii) to direct the respondents to appoint the applicant as Junior Technical Assistant under the 2nd respondent with effect from the date on which his juniors viz. a company paid staff appointed as such after 31.3.1978 were absorbed as Junior Technical Assistant with all consequential benefits;
- iii) to direct the respondent to reckon the applicant's service as Company Paid Staff from the date of initial appointment till the date of absorption into the regular government service as lower division clerk under the Department of Company Affairs for the purpose of computing qualifying service while calculating the pensionary benefits on his retirement on superannuation.

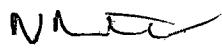
3. The respondents have contested the O.A. They have raised preliminary

objection of limitation. They have also contended that once the applicant accepted the offer of appointment to the post of LDC unconditionally, he cannot, now, after a lapse of more than 20 years, stake his claim to a higher grade or other post. According to them, there has been no discrimination.

4. We have considered the case of the applicant. It is not indicated in the pleadings as to when three persons mentioned in the representation dated 15.10.2003 were absorbed as JTAs. Counsel for the applicant submitted that the said 3 persons were absorbed around that period when the representation was made. Obviously the respondents could not have deferred absorption of the applicant from the date he became eligible for absorption in 1984 for the purpose of accommodating him in the higher post of JTA which fell vacant as late as in 2003. Further the applicant on absorption had also afforded promotion to the post of UDC. If UDC be the feeder grade for the post of JTA, he has to wait for his turn for promotion to that post.

5. In view of the above, the application being devoid of merit is dismissed.

Dated the 8th January, 2007.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER



Dr.K.B.S. RAJAN
JUDICIAL MEMBER