

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.532/09

Friday this the 7th day of August 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

T. Sreedevi,
Personal Secretary,
SC No.63687, Semi-Cyro Project,
Liquid Propulsion Systems Centre,
Valliamala, Thiruvananthapuram – 695 547.

...Applicant

(By Advocate Mr.P.N.Santhosh)

V e r s u s

1. Union of India represented by the Secretary, Department of Space, Government of India, Anthareeksha Bhavan, New B.E.L. Road, Bangalore – 560 094.
2. Indian Space Research Organisation, Department of Space Administration, Government of India, Anthareeksha Bhavan, New B.E.L. Road, Bangalore – 560 094, represented by its Chairman.
3. The Director, Liquid Propulsion Systems Centre, Valliamala, Thiruvananthapuram – 695 547.
4. The Departmental Promotion Committee for promotion to the post of Administrative Officers, represented by its Chairman.
5. Smt. Suganya Priya, Senior Project Assistant, ISRO Head Quarters, Antariksh Bhavan, New B.E.L Road, Bangalore – 560 094.
6. Smt. Dhanalakshmamma A, Sr.Asst.A, SDSC, SHAR, Sriharikota Range P.O., Nellore District – 524 124, Andhra Pradesh.

.2.

7. Smt.Jalaja T.P.,
Sr. Asst. A,
VSSC, Thiruvananthapuram – 695 022.
8. Shri.Anantha V,
Personal Assistant, ISAC,
Post Box No.1795,
Airport Road, Vimanapura P.O.,
Bangalore – 560 017.
9. Shri.Dhanunjaya Reddy A,
Sr.Asst. A,
SDSC, SHAR,
Sriharikota Range P.O.,
Nellore District – 524 124.
Andhra Pradesh.
10. Smt.Sheela C.G.,
Personal Asst.,
IISU, Vattiyoorkavu P.O.,
Thiruvananthapuram – 695 013.
11. Smt.Lakshmi S,
Personal Secretary,
GSLV, VSSC,
Thiruvananthapuram – 695 022.
12. Shri.Dinakara A.N.,
St.Asst.A, ISTRAC,
A-1, 1st Cross,
Peenya Industrial Estate,
Bangalore – 560 058.
13. Shri.Ramanadhan S,
Sr.Asst.B,
VSSC, Thiruvananthapuram – 695 022.
14. Shri.Kishore Kumar Panda,
Sr.Asst.A., SDSC, SHAR,
Sriharikota Range P.O.,
Nellore District – 524 124.
Andhra Pradesh. ...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 7th August 2009 the Tribunal
on the same day delivered the following :-



.3.

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant was initially appointed as Junior Stenographer in 1994. She was promoted as Personal Assistant A (Group 'C') on 22.3.2005 and further promoted as Personal Secretary (Group 'B', Gazetted) with effect from 2.3.2009. Being eligible for consideration for promotion to the post of Administrative Officer (Group 'A'), she has been appearing for the written test and interview from the year 2005 onwards but she has not so far been empanelled for appointment. In the current selection also, though she was ranked No.1 in the written test yet she was placed in the impugned Annexure A-16 order dated 25.6.2009 only as the last candidate at rank No.11. According to the said order, the panel comprises of 11 unreserved category employees and 3 SC category employees and its validity was only for the period from 1.7.2009 to 30.6.2010. Aggrieved by the said Annexure A-16 order, the applicant made the detailed Annexure A-17 representation dated 23.6.2009 to the official respondents. As no reply was received from them, she filed this Original Application seeking a declaration that she is entitled to be included in the top of the panel based on the marks obtained by her in the written test. She has also alleged malafide against the Selection Committee and they have also been made a party in this case.

2. We have heard Shri.P.N.Santhosh for the applicant and Smt.Jisha for Shri.T.P.M.Ibrahim Khan for the respondents. Rule 20 of the Administrative Tribunals Act, 1985 provides as under :-



.4.

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, -

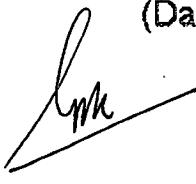
(a) If a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance ; or

(b) Where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

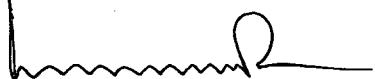
3. In view of the aforesaid provision of Rule, the applicant could have approached this Tribunal for the redressal of her grievance only six months after the Annexure A-17 representation dated 23.6.2009. We also do not find any urgency or any valid reasons to intervene in the matter before the expiry of the said six months.

4. In this view of the above position, without going into the merits of the case we dismiss this Original Application as pre-mature. There shall be no order as to costs.

(Dated this the 7th day of August 2009)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER

asp


GEORGE PARACKEN
JUDICIAL MEMBER