

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.541/2003

Dated Wednesday this the 22nd day of October, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.I.Muneerabi  
D/o C.Mohammed Koya  
Lower Division Clerk  
Lakshadweep Public Works Department  
Minicoy.  
Residing at Kakkaillam House,  
Kalpeni.

Applicant

(By advocate Mrs.Swayam Prabha)

Versus

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

Respondents.

(By advocate Mr.S.Radhakrishnan (R1))

The application having been heard on 22nd October, 2003,  
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant belonging to Scheduled Tribe Community commenced service as Lower Division Clerk in the Public Works Department of Lakshadweep on 4.7.1985. Although she had made two genuine attempts to pass typing test, she could not succeed. However, in terms of Clause 2 (c) of A-5 office memorandum dated 29th September, 1992, which reads as follows:

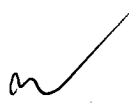
"(c) If below 35 years of age on the date of appointment may be given exemption after 10 years of service as LDC provided they have made two genuine attempts to pass the typing test otherwise they may be granted exemption after attaining the age of 45 years."

she was entitled to get relaxation in regard to the requirement of passing the typing test on completion of 10 years of service. Her request for relaxation and drawal of increments

was turned down by A-1 order. Aggrieved by that, the applicant has filed this application seeking a declaration that she is entitled to increments and promotion on the basis of A-3 series and for a direction to the respondents to give the increments and promotion to the applicant immediately on the basis of A-3 series with effect from 24th June 1994.

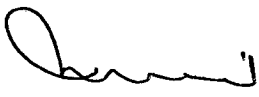
2. When the application came up for hearing, the learned counsel for the respondents stated that the respondents agree that the applicant was entitled to get exemption on completion of 10 years of service from the requirement of passing the typing test and for drawal of increments as she had made two genuine attempts and that the increments would be drawn and disbursed to the applicant without delay. The learned counsel of the applicant submitted that the above undertaking may be noted and the application be disposed of with appropriate directions permitting the applicant to make a representation to the first respondent regarding the claim of her promotion with effect from the due date and the first respondent be directed to dispose of the same within a reasonable time. The learned counsel for the respondents agreed to the course suggested.

3. In the light of what is stated by the counsel on either side, the Original Application is disposed of directing the first respondent to draw the increments of the applicant with effect from the due date on completion of 10 years of service as the applicant has been exempted from the requirement of passing the typing test and to disburse the arrears resulting therefrom



within a period of two months. We also direct that if the applicant makes a representation to the first respondent regarding her promotion within one month, the same shall be considered by the first respondent in accordance with the rules and instructions and appropriate reply given to the applicant within two months from the date of receipt of the representation. No order as to costs.

Dated 22nd October, 2003.



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN  
VICE CHAIRMAN