

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 553 of 1995.

Wednesday this the 7th day of August 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K. Sivan,
Pattern Maker (Skilled),
Foundry Shop,
Naval Ship Repair Yard,
Kochi-4. .. Applicant

(By Advocate Shri Gopinath for Shri K. Ramakumar)

Vs.

1. Union of India represented by
the Secretary, Ministry of
Defence, New Delhi.

2. Flag Officer, Commanding-in-Chief,
Southern Naval Command,
Cochin-4.

3. The Commodore Superintendent,
Naval Ship Repair Yard,
Naval Base, Cochin-4.

4. T.K. Sadanandan,
Pattern Maker (Skilled)
Naval Ship Repair Yard,
Naval Base, Cochin-4. .. Respondents

(By Advocate Shri Saji Varghese for Shri PR Ramachandra Menon,
ACGSC for R.1-3)

The application having been heard on 7th August, 1996,
the Tribunal on the same day delivered the following:

O R D E R

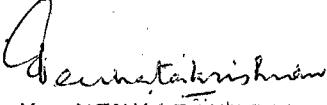
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges the promotion granted to
4th respondent on the ground that a single post was reserved
and 4th respondent appointed. Though notice was served on

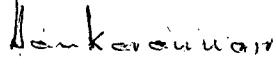
4th respondent, he has not contested the case and respondents 1 to 3 are not in a position to contest the case effectively. They admit that there was only one post. The case on hand is governed by the decision in Chakradhar Paswan Vs. State of Bihar and others, (AIR 1988 SC 959).

2. We quash A-1 order granting promotion to 4th respondent. Respondents 1 to 3 will fill up the post treating it as an unreserved post.
3. Original Application is allowed. No costs.

Wednesday this the 7th day of August 1996.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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