

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.62/2001

Tuesday this the 16th day of January, 2001

CORAM

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

1. Viswanathan G S/o K.Gopalan,
aged 50 years,
Charge Mechanic (Senior Mechanic-
Highly Skilled Grade I)
O/o the Assistant Garrison Engineer
(Independent) Army, Military Engineering Service,
Thirumala PO, Trivandrum.6
residing at Kunduvilla House,
Kottamm, Prasuvaikkal,
Post, Parasala, Trivandrum.
2. Damodaran Nair P S/o late N.Padmanabhan Nair,
aged 54 years, Charge Electrician
(Senior Electrician-Highly Skilled Gr.I)
O/o the Assistant Garrison Engineer,
(Independent), Army,
Military Engineering Service,
Thirumala PO, Trivandrum.6 residing
at TC 6/243, Ellipode,
Vattiyyorkavu PO,
Trivandrum.13.Applicants

(By Advocate Mr. M.R.Rajendran Nair/MR. MR Hariraj)

V.

1. The Assistant Garrison Engineer (Independent)
Army, Military Engineering Service,
Thirumala PO, Trivandrum.
2. The Command Works Engineer,
MES Kattari Bagh,
Naval Base, Kochi.4.
3. The Chief Engineer,
Southern Command,
Headquarters, MES,
Pune 411001.
4. The Engineer-in-Chief,
Army Headquarters,
Kashmir House, DHQ PO
New Delhi.
5. Union of India, represented by the
Secretary to Government of India,
Ministry of Defence,
New Delhi.Respondents

(By Advocate Mr. Sri Hari Rao. K)

The application having been heard on 16.1.2001, the
Tribunal on the same day delivered the following:

Contd.....

O R D E R

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

Applicants who are Charge Mechanic (Senior Mechanic-Highly Skilled Grade I) and Senior Electrician-Highly Skilled Grade I respectively working under the 1st respondent for a long time are aggrieved that by the amendment brought out for the Recruitment Rules for appointment to the post of Superintendent Gr.I, their chances of promotion have been adversely affected inasmuch as Diploma in Engineering (Mechanical/Electrical) has now been made essential qualification for promotion. Although there has been a move for granting relaxation as one time dispensation as is evident from Annexure All dated 18.4.98 nothing so far has been turned out on that. The applicants apprehend that in view of the amendment to the Recruitment Rules their chances of getting advancement of their career would be absolutely nil. Under these circumstances, the applicants have filed this application for the following reliefs:

- (i) Quash Annexure Al to the extend it excludes the matriculates with 15 years of service from category of those being eligible for promotion to Superintendent Electrical/Mechanical Gr.II.
- (ii) Declare that the applicants are entitled to be considered for promotion as Superintendent Electrical/Mechanical Grade II and direct respondents accordingly.
- (iii) Alternatively direct respondents to complete the process of one time relaxation of the Recruitment Rules expeditiously.

contd....

(iv) Grant such other reliefs as may be prayed for and the Court deems fit to grant, and

(v) Grant the cost of this Original Application.

2. After making submission for quite some time, learned counsel of the applicants submits that the applicants would be satisfied if they are allowed to make a representation to the 5th respondent and **** the 5th respondent **** be directed to consider and dispose of the representation. Learned counsel appearing for the respondents submits that he has no objection if the matter is being disposed of as suggested by the counsel for applicants.

3. In the light of the submission of the learned counsel on either side, we dispose of this application permitting the applicants to make a consolidated representation to the 5th respondent projecting their grievance in regard to the matter of promotion avenues etc. within three weeks from today and directing the 5th respondent that if such a representation is received within the said period, the same shall be considered and disposed of and appropriate reply given to the applicants within a period of three months from the date of receipt of the representation. There is no order as to costs.

Dated the 16th day of January, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

s.

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List of annexures referred to:

Annexure.A1: True copy of the Military Engineer Service's Superintendent (Electrical/Mechanical) Grade I and Grade II Recruitment (Amendment) Rules, 1991 vide notification No.SRO 248 dated 28.10.1991 issued by the 5th respondent.

Annexure.All: True copy of the letter No13554/SAT/EINB dated 18.4.1998 issued by the 2nd respondent.

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