

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dated, the 13th October, 1993.

CORAM:

THE HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
AND
THE HON'BLE MR S KASIPANDIAN, ADMINISTRATIVE MEMBER

O.A.No.7/93

1. S Chithambaran Pillai
2. S Arunachalam

- Applicants

Mr GP Mohanachandran

- Advocate for applicants

Vs.

1. Union of India,
represented by Secretary,
Department of Posts, New Delhi.
2. Director of Postal Services,
(Head Quarters) Kerala Circle,
Trivandrum.
3. G Rajalekshmi,
LSG, Postal Assistant,
Returned Letter Office,
Trivandrum.
4. PK Sahadevan, HSG,
Postal Assistant(BCR)
Returned Letter Office,
Trivandrum.
5. B Krishnambal,
HSG, Postal Assistant(BCR)
Returned Letter Office,
Trivandrum.

- Respondents

Mr Tomy Sebastian, ACGSC

- Advocate for respondents
1 & 2

Mr KRB Kaimal

- Advocate for respondent-4

JUDGEMENT

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Though the matter was argued at much length, learned counsel for applicant agreed eventually, that this case also should be governed by directions similar to those in the judgement in O.A-880/93 and connected cases. Respondents agree with this view.

2. Accordingly, we direct the Government to consider:

- (a) Whether seniors in the LSG Cadre, can be deprived of seniority, by their juniors being placed above them by reason of the 'second time bound promotion';

(b) Whether those who came in the 1/3rd quota, have not acquired a vested right to hold the post, and

(c) Whether such a vested right can be taken away in the light of the principles enunciated in SM Ilyas V.

Indian Council of Agricultural Research, 1993(1) SLR, 60.

3. Applicants are permitted to submit a comprehensive representation before Government which will be considered before a final decision is taken. Status quo as on 6.7.1992 will be maintained till a final decision is taken in the matter, in the case of second applicant. We record that the first applicant has already retired and no interim order is necessary in his case.

4. Application is disposed of as above. No costs.

Dated, the 13th October, 1993.



S KASIPANDIAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

TRS/14/10