

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED 29th DAY OF SEPTEMBER ONE THOUSAND NINE HUNDRED
AND EIGHTY NINE

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 73/89

K. K. Karunakaran

Applicant

Vs.

1. Union of India represented by the
Secretary, Department of Space,
Government of India, Bangalore,
2. The Chairman, Department of Space,
F Block, Kaveribhavan,
District Office Road, Bangalore-9,
3. The Director, VSSC, Thumba,
Trivandrum-22 and

4. Head PGA Veli, VSSC, Trivandrum-22

Respondents

M/s. G. P. Mohanachandran, K. R. Haridas &
Thomas Mathew

Counsel for
applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for
respondents

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The petitioner who is now working as Scientific Assistant 'C' in the Vikram Sarabhai Space Centre, (VSSC) approaches this Tribunal with the grievance of discriminatory treatment in the matter of change of designation for getting further promotion..

2. The case of the petitioner is that he is a diploma holder in Mechanical Engineering with a second class having 56% marks and he joined the service of the

VSSC (formerly Indian Space Research Organisation) in 1970. He worked as Scientific Assistant 'B' for four years and he has been promoted to the present cadre of Scientific Assistant 'C' in April, 1985. According to him, the further promotion can be aspired by him only if there is a change of designation from Scientific Assistant (C) to Technical Assistant (C) which opens to him the promotion chances on the Engineering side. This has been allegedly granted by the respondents 2 & 3 to similarly situated persons like the petitioner. He has pointed out two specific instances of Shri K. Sivaramakrishnan, Staff Card No. 26134 and one N. J. Abraham. According to the petitioner, these two persons are also diploma holders in Mechanical Engineering with second class like the petitioner and their cases were reviewed-which is the practice in this organisation- and they have been promoted to the next higher post. The petitioner filed representations before the third respondent for getting this relief but they have been rejected by orders at Annexures A-3, A-5 and A-7. But the petitioner filed a detailed representation at Annexure-8 before the Chairman, VSSC, the second respondent, and according to him the said representation is even now pending consideration before him. It is brought to our notice that the said representation has been strongly recommended by the Administrative Officer with the following note:-

..

" The applicant is one victim of time. His request may be considered sympathetically. We need not compell him to seek justice from High Court when we can ourself rectify the grievance."

3. We have heard the arguments of the learned counsel on behalf of the petitioner as also the respondents and after perusing the records, we feel that this is a case which can be disposed of with a direction to the second respondent. Accordingly, without expressing any opinion about the contentions raised by the petitioner and the points urged by the learned counsel appearing for the respondents, we dispose of the original petition with the following directions to the second respondent before whom the representation at Ext. A-8 is pending:


- i) The second respondent shall consider and dispose of Annexure-8 representation after considering the petitioner's case of discrimination specifically pointed out in the original petition, uninfluenced by any of the statements in the counter affidavit or the observations in Annexures-3, 5 & 7 and pass orders on the same ^{as} expeditiously as possible, at any rate within a period of two months from the date of receipt of this judgment.
- ii) The second respondent may also give an opportunity of being heard to the petitioner before passing final orders as directed above.

4. If the petitioner is aggrieved by the order passed by the second respondent on the representation at Annexure-8,

he has got the freedom to take appropriate proceedings as he may think proper in this behalf.

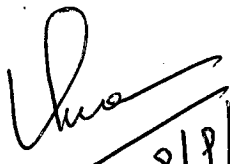
5. With these observations, we dispose of the original petition.

6. There is no order as to costs.


(N. Dharmadan)
Judicial Member

29/9/89

kmm


(N. V. Krishnan)
Administrative Member

29/9/89