

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.80/97

Monday, this the 8th day of June, 1998.

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

K Balan Nair,
Sub Inspector of Police(Wireless),
Minicoy,
Union Territory of Lakshadweep. - Applicant

By Advocate Mr PV Mohanan

Vs

1. Superintendent of Police,
Union Territory of Lakshadweep,
Kavarathi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavarathi. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

The application having been heard on 8.6.98, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant who is a Sub Inspector of Police(Wireless), submits that there are three substantive vacancies of Sub Inspector(Wireless) in 1989 by which time applicant had completed six years of service as Wireless Operator. He had earlier submitted willingness to be sent for training for the Wireless Operator Grade.II post but was not sent for training and instead, juniors were deputed for training on 11.9.86. Applicant had submitted representations but without any success. Later he made

a representation for being sent for Grade.I training. Again juniors to the applicant were deputed for Wireless Operator Grade.I training without considering the seniority of the applicant. Applicant represented against this but without any success. Finally the applicant completed his Grade.II course in the year 1989 and Grade.I course in 1993. His prayer is that he be declared entitled to be considered for promotion as S.I.(Wireless) w.e.f. 27.10.89 and for a direction to the respondents to postpone the date of his promotion to 27.10.89 with consequential benefits. In the alternative, applicant prays for a direction to the respondents to promote him w.e.f. 3.6.93 with consequential benefits. Applicant also prays for a declaration that he be deemed to have successfully completed Wireless Operator Grade.I training w.e.f. 27.10.89 with consequential benefits.

2. Respondents have submitted that the applicant had not submitted his willingness to undergo the training for the Grade.II course and that applicant is responsible for not getting the higher grade training due to the unwillingness expressed by him. Applicant, however, contends that he had in fact given his willingness to undergo Grade.II training on 4.12.83 as seen from A5. Again A7 shows that he had expressed his willingness for the Grade.II course on 11.9.86.

3. It is seen that the cause of action arose when the juniors of the applicant were actually sent for training both for Grade.II course and for the Grade.I course. Applicant should have agitated the matter at that time. If he had submitted representations and there was no favourable orders from the respondents, he should have approached the Tribunal well within the period of limitation for the relief that he now seeks. It is now too late to grant the relief sought namely, that he should be deemed to have

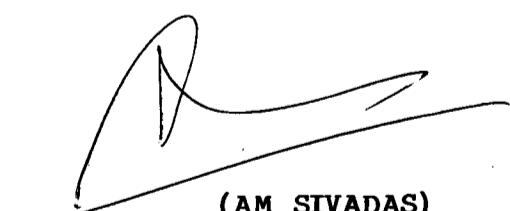
successfully completed the Wireless Operator Training Grade.II or Grade.I retrospectively. The prayers of the applicant are therefore only to be rejected.

4. Learned counsel for applicant submits that he became eligible for promotion in 1993 and as on that date he should have been considered for promotion as S.I.(Wireless). So far no promotions have been made for the vacancies and only ad hoc promotions have been made. It is also to be noticed that no junior of the applicant has so far been promoted regularly. It is for the respondents to take action under the rules to fill up those vacancies of S.I.(Wireless) in accordance with the rules. There is no reason for the Tribunal to feel that respondents will not so act.

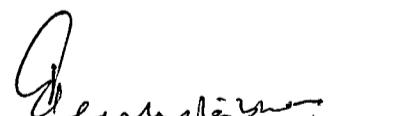
5. Learned counsel for applicant submits that the applicant may be permitted to submit a representation to the second respondent regarding his promotion to the post of S.I.(Wireless) on the basis of his becoming eligible for promotion w.e.f. 3.6.93 as prayed for by him in the O.A. He may do so within six weeks. If such a representation is made, the second respondent shall consider it and pass appropriate speaking orders within four months of its receipt.

6. Application is disposed of as aforesaid. No costs.

Dated, the 8th June, 1998.



(AM SIVADAS)
JUDICIAL MEMBER



(P V VENKATAKRISHNAN)
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A5: Statement filed by the applicant dated 4.12.1983.
2. Annexure A7: Submission dated 11.9.1986 sent by the applicant to the respondent.

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