

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 103 of 1993.

DATE OF DECISION 20-1-1993

Mr MA Karunakaran Applicant (s)

Mr P Sivan Pillai Advocate for the Applicant (s)

Versus

UOI, represented by Respondent (s)  
General Manager, Southern Railway, Madras & 2 others

Mr Thomas Mathew Nellimoottil Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

and

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. To be circulated to all Benches of the Tribunal? ☒

## JUDGEMENT

(Hon'ble Shri SP Mukerji, Vice Chairman)

We have heard the learned counsel for the parties on this application in which the applicant who is a member of the Scheduled Caste has challenged the order of promotion at Annexure-A1 dated 5.11.1992 promoting him to Grade-I Painter w.e.f. 3.10.1990, when his junior Mr N Thomas was so promoted. His challenge is confined only to the question of the date of promotion. He claims that he should have been promoted against a reserved point w.e.f. 1.1.1984. His claim primarily based on the fact that he is the seniormost S.C.candidate and the vacancy in Grade-I which had gone to his junior Mr K Krishnan

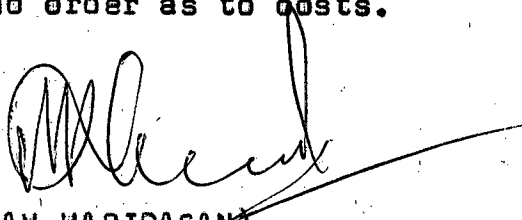
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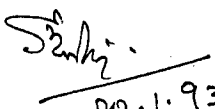
should have been given to him. His further contention is that he has been making a number of representations without any effect and the impugned order has been passed ignoring his claims in those representations.

2. When the case came up for admission, the learned counsel for the respondents brought out that in his representations the applicant has been claiming earlier promotion in Grade-II w.e.f. 29.9.1986 when his junior <sup>Shri</sup> Mr Krishnan was posted as Painter Grade-II. There is no relief claimed in the representations regarding promotion to Grade-I from the date of promotion of <sup>Shri</sup> Mr Krishnan. The learned counsel for the respondents, therefore stated that the impugned order so far as <sup>the date of</sup> promotion to Grade-I is concerned leaves scope for representation by the applicant. He submitted that in case a detailed representation is filed by the applicant claiming earlier promotion on the basis of the reserved point or on the basis of date of promotion of Mr Krishnan to Grade-I <sup>is filed</sup>, the same shall be considered in the light of Annexure-A6 and relevant instructions and shall be disposed of within a reasonable period.

3. The learned counsel for the parties agreed that in the light of the proposal made by the learned counsel for the respondents, the application before us can be disposed of at the admission stage with proper directions. The learned counsel for the applicant prays that the name of respondent-3 Mr K Krishnan be deleted from the array of respondents.

4. Accordingly, we admit the application with the deletion of the name of respondent-3 and dispose of the same with a direction to the applicant to file a detailed representation about his grievance regarding date of promotion to Grade-II and I within a period of one week from the date of communication of this order and respondent No.2 is directed to dispose of the representation so filed by a speaking order, within a period of two months from the date of its receipt. There is no order as to costs.

  
(AV HARIDASAN)  
JUDICIAL MEMBER

  
20.1.93  
(SP MUKERJI)  
VICE CHAIRMAN

20-1-1993

trs