

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.103/2003.

Monday this the 17th day of February 2003.

**CORAM:**

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

P.Hyder,  
Lower Division Clerk,  
Agricultural Demonstration Unit, Kalpeni,  
Lakshadweep. Applicant

(By Advocate Shri N. Haridas)

vs.

1. Union of India represented by its Secretary, Ministry of Home Affairs, New Delhi.
  2. Administrator, Union Territory of Lakshadweep, Kavaratti. Respondents

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 17.2.2003, the Tribunal on the same day delivered the following:

ORDER

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

The applicant who commenced his service as Lower Division Clerk on 4.10.1989 under the Lakshadweep Administration is aggrieved that he has not yet been given either regular promotion or ad-hoc promotion to the post of Upper Division Clerk. His promotion was not considered because, he could not qualify in one paper which he failed in the year 1998, as yearly test in that subject was not held by the Administration, as required. The persons who had not passed the test also had been considered for ad-hoc promotion in the year 1994, but such a dispensation was not given in his favour. The applicant's representation (A5) in regard to adhoc promotion was not considered. When the applicant has become

fully eligible for regular promotion he made a representation(A-9) for giving him promotion as UDC or the benefit under the ACP Scheme and that representation remained undisposed of. Under these circumstances, the applicant has filed this application for a direction to the respondents to promote the applicant as UDC forthwith or in the alternative for a direction to the respondents to consider his A-5 and A-7 representations in accordance with law within a fixed time.

2. When the O.A. came up for hearing Shri S.Radhakrishnan took notice on behalf of the respondents . Counsel agree that the application may be disposed of directing the 2nd respondent to consider A-9 representation of the applicant and to give him an appropriate reply within a reasonable time.

3. In the light of the submissions made by the learned counsel on either side, the application is disposed of directing the 2nd respondent to consider the A-9 representation of the applicant in the light of the rules and instructions on the subject and to give the applicant an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 17th February, 2003.



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER



A.V.HARIDASAN  
VICE CHAIRMAN

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