

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 111 of 2009

Friday, this the 18th day of June, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

1. PB Suresh Kumar, S/o. C. Bhaskaran Nair, aged 44 years, Peon, O/o the Assistant Garrison Engineer (I) NAD Alwaye, residing at Vaikath Puthenveedu, Edathala PO, Ernakulam.
2. Radhamma P., D/o Sukumara Pillai, aged 43 years, Peon, O/o the Garrison Engineer (I)(E/M)(NW) Kochi, Naval Base, Kochi-4, residing at Chandra Bhavan, Nedungadappally PO, via Changanassery, Pathanamthitta.
3. Raji Jayan, D/o PN Rajappan, aged 34 years, Peon, O/o the Garrison Engineer (I)(E/M)(NW) Kochi, Naval Base, Kochi-4, residing at Chembakasseril House, Kochukadavanthra, Near St. Sebastian Church, Kadavanthra, Ernakulam.
4. VP Saritha Kumari, D/o VN Paramu, aged 39 years, Peon, O/o the Chief Engineer (NW) Kochi, Naval Base, Kochi-4, residing at Kumbikattu House, Edanadu PO, Puthenkavu via, Chengannur, Alappuzha. **Applicants**

(By Advocate – Mr. R. Sreeraj)

V e r s u s

1. Union of India, represented by its Secretary to the Government of India, Ministry of Defense, New Delhi.
2. The Engineer in Chief, Military Engineer Services, Army Head Quarters, New Delhi.
3. The Chief Engineer, Military Engineer Services, Southern Command, Pune.
4. The Chief Engineer (NW), Military Engineer Services, Naval Base PO, Kochi-4. **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)



This application having been heard on 18.6.2010, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The applicants filed this Original Application with the following prayers:-

"I) To declare that the inaction on the part of the respondents to fill up the vacancies of Lower Division Clerk set apart for Group D staff promptly and in accordance with law is illegal, unjust, arbitrary and unreasonable.

II) To direct the respondents to work out the number of vacancies in the cadre of Lower Division Clerk that are due to the Group D staff on an year to year to basis and to fill up the vacancies from among the Group D staff in accordance with the Rules which were in force on the date of occurrence of the vacancy.

III) To declare that the applicants are entitled to be promoted as Lower Division Clerk without acquiring any further qualification and without subjecting them to any promotional test and to direct the respondent to consider them for promotion as Lower Division Clerk without insisting on their passing the examination scheduled on 24th Feb 2009.

IV) Such other relief as may be prayed for and this Tribunal may deem fit to grant.

V) Grant the cost of this Original Application."

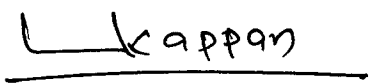
2. This Original Application was already admitted by this Tribunal and notices ordered to the respondents. The respondents, on getting the notices from this Tribunal, filed a reply statement denying the claim of the applicants. When the case came up for hearing today during the time of arguments the counsel appearing for the respondents Mr. Sunil Jacob Jose, submitted that the claim of the applicants have already been allowed by the department by subsequent orders passed during May, 2010. It is not



disputed by the counsel appearing for the applicants. If so, the Original Application itself can be disposed of by recording the stand taken by the respondents before this Tribunal.

3. Accordingly, this Original Application stands disposed of recording the above stand taken by the Department in this Original Application. No order as to costs.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

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