

Central Administrative Tribunal
Ernakulam Bench

Date of decision: 11.01.90.

P R E S E N T

Hon'ble Shri N.V. Krishnan, Administrative Member

And

Hon'ble Shri N. Dharmadan, Judicial Member

Original Application No. 116/89

M.R. Sadanandan : Applicant

Vs.

1. Union of India, rep. by
Divisional Personnel Officer,
Southern Railway, Trivandrum.)
2. Senior Divisional Electrical
Engineer, Southern Railway,
Trivandrum.) : Respondents
3. K.M. Hassan, ELF/P/HS II,
Southern Railway, Ernakulam.)

M/s Chandrasekharan &) : Counsel for applicant
Chandrasekhara Menon)

Mrs. Sumathi Dandapani, : Counsel for respondents

O R D E R

Shri NV Krishnan, Administrative Member

This application has been filed to give a direction to the Respondents to promote the applicant, who is working in the Highly Skilled Grade-II, to the rank of Highly Skilled Grade-I before trade testing and promoting Respondent-3 to the Highly Skilled Grade-I.

The applicant alleges that though the Respondent-3 is

junior to him in the Highly Skilled Grade-II, the

(a)

Respondents have initiated action to trade test him and give him promotion to Highly Skilled Grade-I, before considering his case.

2. The Divisional Personnel Officer - Respondent-1 - has filed a reply in which it is stated that the promotion given to Respondent-3 impugned in this application is in consequence of the final order dated 11.6.87 of this Bench in OA 622/86. In pursuance of that direction a trade test was organised on 18.7.87 and Respondent-3 was declared passed. Further, he was also treated as senior to the applicant in Highly Skilled Grade-II. Therefore, Respondent-3 was entitled to trade testing and promoted to Highly Skilled Grade-I before the applicant who should not have any grievance in this regard.

3. The first respondent also states that the applicant's representation dated 13.12.88 (Annexure-III) was not received by him. Hence, it was not replied to.

However, he has received a representation dated 19.12.88
to which a reply has also been given,
a copy of which is exhibited as R1(a). This has apparently been sent to Senior Divisional Engineer who has

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been asked to notify it to the employee. Counsel of applicant states that he received this communication only alongwith the counter.

4. In the light of what has been stated in the counter affidavit and the Exhibit R1(a), the counsel for the applicant conceded, in fairness, that the application has no force. It is clear that the benefits given to the third respondents flow from the earlier order of the Tribunal in OA 622/86, which has become final.

5. In these circumstances, we do not find any force in the application, which is dismissed. There will be no order as to costs.


(N. Dharmadan)

Judicial Member


(N.V. Krishnan)

Administrative Member

11th day of January, 1990.