

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.132/2005.

Friday this the 25th day of February, 2005.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

T.P.Aboobacker, Lower Division Clerk,
Planning and Statistics Section, Secretariat,
Union Territory of Lakshadweep,
Kavarathi. Applicant

(By Advocate Shri. M.R.Hariraj)

Vs.

1. Union of India, represented by
the Secretary to Government of India,
Ministry of Home Affairs, New Delhi.
2. Administrator, Union Territory of
Lakshadweep, Kavarathi. Respondents.

(By Advocate Shri. Sunil Jose, ACGSC (R1)

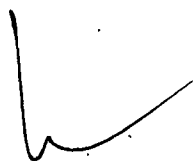
(By Advocate Shri Shafik M.A. for R-2)

The application having been heard on 25.2.2005, the
Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who claims to be commenced services as Lower Division Clerk (LDC for short) under physically handicapped quota was denied the benefit under the Assured Career Progression (ACP for short) Scheme introduced by the Government of India in 1999. He has pointed out one another case of an employee like him who was exempted from appearing the UDC examination and granted the benefit of ACP scheme. The applicant also made a representation(A5) dated 17.1.2003 followed by A6 and A-7 representations. However, the 1st respondent (M/o Home Affairs) by order (A-8) dated 1.11.04, directed the Administrator, UT of Lakshadweep to take an immediate decision on the representation



submitted by the applicant. The applicant did not receive any reply till date. Aggrieved by the said inaction on the part of the respondents the applicant has filed this O.A. seeking the following main reliefs:

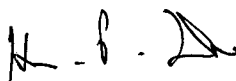
to direct the respondents to consider the applicant for grant of upgradation under Assured Career Progression Scheme with effect from the due dates, i.e. dates on which completed 12 years and 24 years of service and to grant him all consequential benefits including arrears of pay with interest @ 12% per annum.

2. When the matter was taken up Shri M.R.Hariraj, learned counsel appeared for the applicant, Shri Sunil Jose, ACGSC appeared for R-1 and Shri Shafik, learned counsel appeared for R-2. Counsel for applicant submitted that the applicant would be satisfied if a limited direction is given to the respondent, Administrator to take an immediate decision on A-8 and communicate the same to the applicant within a time frame. Learned counsel for respondents submitted that he has no objection in adopting such a course of action. This Court is also of the view that such an action will meet the ends of justice.


3. In the interests of justice, this court directs the 2nd respondent to consider and take a decision on Annexure A-8, pass an appropriate order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order.

4. O.A. is disposed of at the admission stage itself. No costs.

Dated the 25th February, 2005.



H.P.DAS
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER