

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.151/2003.

Wednesday this the 26th day of February 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

C.Ramu,
Staff Car Driver, Grade I,
Office of the Assistant Executive Engineer,
(Electrical), U.T.of Lakshadweep,
Beypore- Calicut. Applicant

(By Advocate Shri P.V.Mohanan)

Vs.

Administrator, U.T.of Lakshadweep,
Kavaratti. Respondent

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 26th February 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant in this case is a 59 year old Staff Car Driver, Grade I working in the office of the Assistant Executive Engineer (Electrical), U.T.of Lakshadweep, at Beypore, Calicut. He seeks the benefit of placement as Staff Car Driver in Special Grade in the scale of Rs.5000-8000 in pursuance of the Office Memorandum dated 15.2.2001 (A2) issued in the light of the Central Administrative Tribunal, Principal Bench's order in O.A. 2529/96 dated 5.5.2000. The applicant claims that as is evident from A-1, he is the seniormost in Grade-I, seeking such placement. According to him, as per A-2 Office Memorandum dated 15.2.2001 5% of the cadre strength of Staff Car Drivers is earmarked for upgradation as Special Grade in the scale of Rs.5000-8000 w.e.f.8.11.1996 with the benefits of arrears of pay. The applicant being the seniormost Staff Car Driver Grade-I, he

2

made representations A3 and A-4 for considering him for the said benefit in terms of the O.M. Apparently, these representations have not been acted upon and hence, the applicant is before us with prayer for the following reliefs.

- i. to direct the respondent to promote the applicant to the post of Staff Car Driver, Special Grade in the scale of pay of Rs.5000-8000/- forthwith, with all consequential benefits with effect from 8.11.1996 as envisaged in Annexure A2 O.M. dated 15.2.2001.
- ii. To direct the respondent to consider and dispose of Annexures A3 and A4 in accordance with A2.

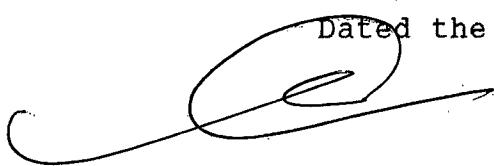
2. When the matter came up for consideration for admission, learned counsel for the applicant Shri P.V.Mohanan appeared for the respondents and Shri S.Radhakrishnan took notice for the respondents and initially sought some time to get instructions. Shri P.V.Mohanan, learned counsel for the applicant would submit that, the applicant is going to retire on superannuation on 30.6.2003 and that he would be satisfied if the representations A3 and A-4 are disposed of with appropriate orders, keeping in view the clear terms of A-2 and also his seniority position in the list of Grade-I Staff Car Drivers. He would also impress upon us the fact that the promotion of Grade-I Staff Car Drivers to the cadre of Special Grade Staff Car Driver is a nonselection post (Seniority-cum-fitness) and the applicant does not have any record against his claim on seniority-cum-fitness. At this, learned counsel for the respondents agreed that the applicant's representations A3 and A4 can be considered and appropriate orders would be passed, on the basis of the above O.M. and other records.

3. Taking into account the above submissions made by the learned counsel on either side, we consider it proper to dispose

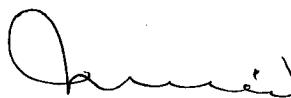
of this O.A. directing the respondent to consider and dispose of the applicant's representations A3 and A-4 in the light of A-2 O.M. dated 15.2.2001 and having regard to the fact that the applicant is the seniormost as per A-1 order dated 3.6.99 and pass appropriate orders as expeditiously as possible and in any case within a period of 30 days from the date of receipt of copy of this order. We do so accordingly.

4. There is no order as to costs.

Dated the 26th February, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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