

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.164/2001

Wednesday this the 25th day of September, 2002

CORAM:

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

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

A.P.Sabore,
S/o.Poulose,
Arackal House,
Maikad P.O.
Angamaly.

.. Applicant

(By Advocate M/s.Santosh & Rajan)

vs.

1. Union of India, represented by
the Secretary,
Ministry of Defence,
New Delhi.
2. The Flag Officer Commanding-in-Chief,
Headquarters Office,
Southern Naval Command,
Naval Base, Kochi-4.
3. The Chief Staff Officer(P&A),
Headquarters,
Southern Naval Command,
Naval Base, Kochi-4.
4. K.Vijayan,
Plumber(Skilled)
Naval Ship Repair Yard,
Naval Base, Kochi-4.

.. Respondents

(By Advocate Sri C.Rajendran, SCGSC(R1-3))

The Application having been heard on 25.9.2002, the Tribunal on the same day delivered the following:-

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant, who is an Ex-Naval Apprentice in the trade of Plumber has filed this application seeking to set aside order dated 24.1.2001 of the 2nd respondent, by which the 4th respondent has been promoted as Plumber, and for a declaration that the promotion of the 4th respondent to the post of

Plumber(Skilled) in preference to the claim of the applicant as illegal, that the applicant is entitled to be considered for appointment to the post of Plumber(Skilled) in preference to junior Ex-Naval apprentices and the employees in the lower grade and for a direction to the respondents 1 to 3 to fill up the vacancies of Plumber(Skilled) in accordance with Annexure A3 Recruitment Rules duly considering the applicant and to appoint the applicant to the post of Plumber(Skilled) from the date of promotion of the 4th respondent to the post of Plumber(Skilled) with all consequential benefits.

2. The respondents in the reply statement justified the appointment of the 4th respondent as Plumber(Skilled) on the basis of the amended Recruitment Rules. However, in the reply statement at para 7 respondents have stated as follows :-

"Now the applicant is the seniormost general candidate in the waiting list of Ex-Naval Apprentices in the trade of Plumber. He will be considered against future general vacancies as and when occurring depending upon the necessity to fill up the vacancies according to Recruitment Rules in force at that time."

3. The counsel on either side agree that the application can now be disposed of taking note of the above statement and with appropriate directions accordingly.

4. In the light of what is stated above, the application is

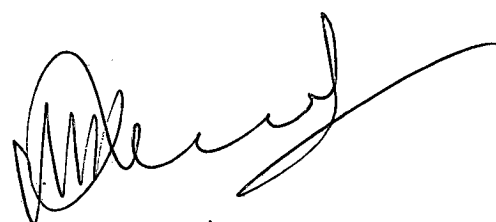
m

disposed of directing the respondents that the applicant being seniormost general candidate in the waiting list of Ex-Naval Apprentices in the trade of Plumber, he shall be considered for future vacancies as and when such vacancies would arise in accordance with the relevant Recruitment Rules. No costs.

Dated the 25th September, 2002.



(T.N.T. NAYAR)
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)
VICE CHIRMAN

oph

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of applicant's course certificate of apprenticeship issued by Base Repair Organisation, Naval Base, Kochi.
2. A-2: True copy of applicant's National Apprenticeship certificate issued by Nation Council for Vocational Training.
3. A-3: True copy of Recruitment/Promotion rules SR0338 (SL 3) dated 19 Nov, 79 as amended vide SROs 131/84, 25/87 and 200/89.
4. A-4: True copy of applicant's representation dated 25.10.2000 addressed to the 2nd respondent.

Respondents' Annexures:

1. R-1A: Photo copy of the revised recruitment rules.
2. R-1B: Photo copy of the letter No.CS 2765/33 dated 8.2.2001 of the Headquarters, Southern Naval Command.
3. R-1C: Photo copy of the letter NO.CS 2765/34 dated 24.1.2001 of the Headquarters, Southern Naval Command and its enclosure.

npp
3.10.02