

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 20

1990

DATE OF DECISION 18.4.90

P. B. Muthukoya _____ Applicant (s)

Mr. T. A. Rajan _____ Advocate for the Applicant (s)

Versus

The Administrator, U.T. of Lakshadweep & others _____ Respondent (s)

Mr. N. N. Sugunapalan, SCGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMALAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant, the Headmaster of the Government High School, Ameni, Lakshadweep filed this application seeking the following reliefs:

- i) issue a writ of certiorari or other writ or order or direction calling for papers and quash Annexure-V and VI
- ii) issue a writ of mandamus or other writ or order or direction directing the 1st respondent to promote the applicant and post him against the existing vacancy at Kavaratti forthwith
- iii) issue a writ of prohibition or other writ or order or direction directing the respondents 1, 2 and 4 not to initiate any steps to down grade the post of Education Officer (HQ) at Kavaratti from the present grade of Rs. 2200-4000 and
- iv) to pass any other order or direction which this Hon'ble Tribunal may deem fit and proper in the nature and circumstances of this and also to grant exemplary cost of this application in this proceedings.

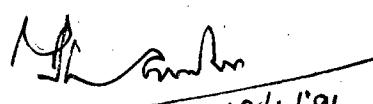
The application was filed on the apprehension that there was a proposal to downgrade the post of Educational Officer (HQ).

2. After the pleadings were completed, the respondents filed an additional reply dated 4.12.90. Para 3 of the reply reads as follows:

"In reply to para 3 of the rejoinder it is submitted that the Education Officer (HQ) Group 'A' is lying vacant for want of approved Recruitment Rules. The Department has no proposal for downgrading or upgrading the post of Education Officer (HQ) Group 'A'. The three posts of Education officer Group 'B' has already been sanctioned and department has made appointments of Education Officers' deputation from the regular Headmasters of High Schools. The applicant and the third respondent had been posted as Education Officer Group 'B' and they are now working at Amini and Cochin respectively. In the absence of Recruitment Rules the Education Officer Group 'A' could not be filled up. As and when R.R. is finalised, necessary proposals in this regard will be sent to the duly constituted Departmental Promotion Committee. As the matters stand, the applicant is not aggrieved as he has already been posted as Education Officer at Amini Island."

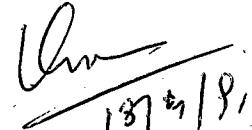
3. When the case came for final hearing today, the learned counsel for the applicant submitted that in view of the averments made in para 3 of the additional counter affidavit stating that the Department has no proposal for either downgrading or upgrading the post of Educational Officer (HQ) and also the fact that the applicant as well as the third respondent have been promoted as Educational Officer Group 'B' and they all, be considered when Recruitment Rules for the post of Educational Officer Group 'A' are framed, it was submitted that the application has now become infructuous.

4. In view of this submission made by the applicant's
counsel, we close this application.


(N. DHARMADAN)

JUDICIAL MEMBER

18/4/91


(N. V. KRISHNAN)

ADMINISTRATIVE MEMBER

KMN