

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 213 of 1993.

DATE OF DECISION 8-2-1993

K.D. Joseph Applicant (s)

M/s MR Rajendran Nair &
CM Nazar Advocate for the Applicant (s)

Versus

Union of India rep. by Secret- Respondent (s)
aryate Govt. of India, Ministry of
Communications and another

Mr. T. K. Venugopalan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member
and

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Mr. N. Dharmadan, Judicial Member)

The applicant is at present working as a Phone Inspector in the Office of the Assistant Engineer, P hones, Mattancherry. He is an Engineering Graduate. He is aggrieved by the Recruitment Rules now in force fixing a passing of test in the Departmental Examination for promotion to the post of J.T.O. He has filed Annexure-I representation dated 9.11.91. This representation has not been disposed of so far. Hence he has filed this application under Section 19 of the Administrative Tribunals Act for a declaration that Phone Inspectors are to be promoted as JTOs on the basis of seniority without subjecting

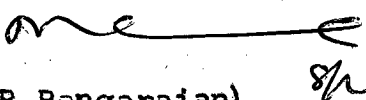
themselves to a test and also for a direction to consider and pass appropriate orders on Annexure-I representation filed in this behalf.

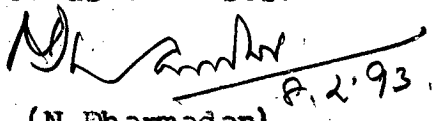
2. At the time when the application came up for admission today, the learned counsel for the applicant limited his prayer and submitted that the applicant will be satisfied if this application is disposed of directing the Government to pass orders on Annexure-I representation disposing of the same in accordance with law.

3. The learned counsel for the respondents has no objection in accepting the suggestion and disposing the application in the manner suggested by the learned counsel for the applicant.

4. Accordingly having heard the learned counsel on both sides, we are satisfied that justice will be met in this case if we direct the first respondent to consider the Annexure-I and pass orders on the same in accordance with law. We admit this application and direct the first respondent to consider and dispose of the Annexure-I representation in accordance with law, within a period of four months from the date of receipt of a copy of this judgment.

5. The application is disposed of on the above lines. There will be no order as to costs.


(R. Rangarajan)
Administrative Member


(N. Dharmadan)
Judicial Member

8th February, 1993