

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 227/93

Wednesday, the twelfth day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)
MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

1 P.I. Cheriya Koya s/o Syed Mohammed Koya
Assistant Motor Vehicles Inspector
U.T. of Lakshadweep, Kavaratti

Applicant

By Advocate Mr. M.R. Rajendran Nair

vs.

The Administrator, U.T. of Lakshadweep
Kavaratti

Respondent

By Advocate Mr. M.V.S. Nampoothiri

ORDER

N. DHARMADAN

The applicant is aggrieved by the denial of regularisation in service from the date of Annexure-II notification by which he has been appointed as Assistant Motor Vehicle Inspector in the L & D Administration. He has also prior service from the date of Annexure-I i.e. 17.12.88. In the light of Annexure-III office order, he was appointed as adhoc Assistant Motor Vehicle Inspector in the scale of Rs. 1400-2300. The Recruitment Rule Annexure-V was issued on 28.10.91. The respondents have taken the view that the applicant is not qualified for regular appointment as Assistant Motor Vehicle Inspector since he has not completed 5 years of service in the pay scale of Rs. 1400-2040; but for this, the applicant is fully qualified for regularisation. Admittedly, he is the only employee under the respondents eligible for getting regular appointment as Motor Vehicle Inspector.

2. The applicant placed reliance on the earlier judgments of this Tribunal in O.A. 225/93. It was a case of a Motor Vehicle Inspector working in the U.T. of Lakshadweep at Kavaratti. That case was considered and disposed of directing the Administrator to consider his regularisation after relaxation of the qualification.

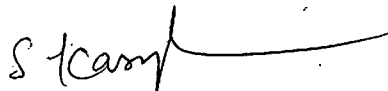
3. The Annexure-V Recruitment Rules provides for the relaxation. xxx It reads as follows:

"Where the Administrator, Union Territory of Lakshadweep is of the opinion that it is necessary or expedient so to do, he may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect of any class or category of persons, except rule 4 of these rules."

4. In the light of the earlier judgment, we are satisfied that this application can be disposed of with appropriate direction. Accordingly, we direct the respondent to consider Annexure-VI representation filed by the applicant for getting regularisation as Assistant Motor Vehicle Inspector w.e.f.

4.1.90. Orders shall be passed on the same in accordance with law within a period of four months from the date of receipt of the copy of this judgment.

5. There shall be no order as to costs.



(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

kmm



(N. DHARMADAN)
MEMBER (JUDICIAL)