

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.236/2000

Wednesday this the 1st day of March, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.K.Venugopalan
Motor Driver,
Civil Construction Wing,
AIR/DD, Cochin.

..Applicant

(By Advocate Mr.Gopinath)

Vs,

1. Union of India represented by
the Secretary to Government,
Ministry of Information and Broadcasting,
New Delhi.

2. The Director General,
All India Radio,
Civil Construction Wing,
New Delhi.

3. Chief Engineer,
Civil Construction Wing,
All India Radio,
New Delhi.

4. Executive Engineer (Civil)
Civil Construction Wing,
AIR & TV, Kakkadan,
Cochin.

...Respondents

(By Advocate Mrs. A. Rajeswari)

The application having been heard on 1.3.2000, the Tribunal on the same day delivered the following:

ORDER

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

The applicant who was appointed as a Peon (Group 'D') on 8.9.89 pursuant to the directions of the Tribunal in O.A. 246/88 continued in that capacity till 29.7.91. When a vacancy of Driver (Group 'C') arose in the workcharged establishment of the Civil Construction Wing under the 4th respondent, the applicant was appointed on that post with effect from 30.7.91 as Motor Driver.

Alleging that the applicant was even while posted as a Peon discharging the duties of Motor Driver and was paid the same salary as a Driver and that his name was not included in the seniority list of Motor Driver under the 4th respondent, the applicant made a representation (Annexure.A4) However, he did not get any favourable response. The applicant is aggrieved because he is not being given the next higher post of Driver Grade.II on completion of nine years of service as Driver Gr.I and not being regularised as a Driver with effect from 27.7.89. Therefore, he has filed this application for the following reliefs:

- (a) To issue a direction to the respondents to promote the applicant to the next higher post of Driver Gr.II on completion of 9 years service in the post of Motor Driver.
- (b) to issue a direction to the 4th respondent to regularise the service of the applicant w.e.f. 27.7.89 onwards and to disburse all consequential benefits due to him.
- (c) to direct the respondents to pass orders on A4 advertising to all the claims put forward by the applicant.
- (d) to declare that the applicant is entitled to get promotion to the post of Driver Gr.II on completion of 9 years service in the post of Motor Driver.
- (e) to issue such other orders or directions as this Hon'ble Tribunal deems fit and proper in the circumstances of the case.

2. Having perused the application and the annexures appended thereto and having heard the learned counsel for the applicant, we do not find that the applicant has yet acquired any cause of action. Going by the averments in the application, the applicant was appointed as a Driver only with effect from 30.7.91. He was, as per his own

averments continuing in the post of Peon till 29.7.91 though it was stated that during this period the services were utilised as a Driver. Even if the applicant is considered to be eligible under the Recruitment Rules to be placed in the higher grade of Driver Gr.II on completion of nine years of regular service, he would be eligible to claim such a dispensation only on completion of nine years from 30.7.91. The applicant is also, even according to his own averment in the application, not entitled to be regularised as Driver with effect from 27.7.89 ^{as} though he had been continuing in the post of Peon till 29.7.91 as admitted in sub-para 1 of para 4 of the Original Application. The application, therefore, is highly misconceived and is therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 1st day of March, 2000



G. RAMAKRISHNAN

ADMINISTRATIVE MEMBER



A.V. HARIDASAN

VICE CHAIRMAN

s.

List of annexure referred to:

Annexure.A4: True copy of the representation dated 11.2.98 submitted by the applicant before the Executive Engineer, CCW AIR, Trivandrum.

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