

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 274 of 2000

Monday, this the 27th day of May, 2002

CORAM

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. P.G.K. Nair,
Store Keeper Grade-I,
Canteen Stores Depot,
Kochi.Applicant

[By Advocate Mr. T.A. Rajan]

Versus

1. Union of India, represented by
the Secretary,
Ministry of Defence, New Delhi.

2. The General Manager,
Canteen Stores Department,
Adelphi 119, K.K. Road, Mumbai.

3. The Area Manager,
Canteen Stores Depot, Kochi.Respondents

[By Advocate Mr. K.R. Rajkumar, ACGSC]

The application having been heard on 27-5-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant, a Store Keeper Grade-I in the Canteen Stores Depot, filed this Original Application aggrieved by non-inclusion of his name in Annexure A4 eligibility list for consideration for promotion to the post of Assistant Manager. He sought the following reliefs through this Original Application:-

- "a) declare that the non-inclusion of the name of the applicant in Annexure A4 list as illegal;
- b) declare that the applicant is eligible to be considered for promotion to the post of Assistant Manager based on his seniority and combined regular service of Store Keeper Grade-I and Store Keeper Grade-II;

- c) direct the respondents to consider the applicant for promotion to the post of Assistant Manager; and
- d) grant such other further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. The applicant advanced two grounds in support of his claim. According to him, he is eligible to be considered for the post of Assistant Manager as he had completed more than six years of service in the posts of Store Keeper Grade-II and Store Keeper Grade-I put together as on 1-1-2000 and as his juniors reserved community candidates had been included in the eligibility list, he was also eligible to be included in the list.

3. Respondents filed reply statement resisting the claim of the applicant.

4. When the Original Application came up for hearing on date, learned counsel for the applicant submitted that the applicant will be satisfied if a direction is given to the respondents to take a final decision in the matter as regards his claim as stated by the respondents in para 10 of the reply statement within a reasonable time and the applicant advised of the decision including the matter regarding his eligibility by virtue of his juniors being included in the list.

5. In the absence of the learned counsel for respondents, we have considered the above submission of the learned counsel of the applicant, in the light of the reply statement filed by the respondents. In para 10 of the reply statement, the respondents have stated as follows:-

"Notwithstanding above, the department has come across DOPT OM No.20011/1/96-Estt(D) dated 30.01.97 in which the point raised by the applicant regarding restoration of seniority has been deliberated. This was projected



to the DPC which had met on 15-03-2000 and they have directed to refer the matter to the DOPT, New Delhi, for clarification. The above OM No.20011/1/96-Estt(D) dated 30-01-97 is produced herewith and may be marked as Annexure R3. No promotion to the post of Assistant Manager has been issued by the department so far against the eligibility list dated 10 Jan.2000. It is reiterated that even if the applicants seniority is restored, the applicant does not become eligible for promotion vis-a-vis the cut off date on 01 Jan.2000 as he completes the qualifying service only on 02 June 2000."

6. The above would indicate that the respondents have not taken a final decision in the matter. We are of the view that before this Tribunal enters upon an adjudication of the matter, the respondents should decide the matter on the basis of the extent orders and directions. Accordingly, we direct the 2nd respondent to treat the Original Application as a representation of the applicant, consider the matter as stated above in the reply statement in consultation with DOPT and take a decision and advise the applicant of the result of the consideration by a detailed order as expeditiously as possible and in any case within a period of four months from the date of receipt of a copy of this order. In case the respondents want to finalise the selection for the posts of Assistant Manager in the meanwhile, they shall keep one post of Assistant Manager vacant till the applicant is advised of the result of the consideration as above.

7. The Original Application stands disposed of as above with no order as to costs.

Monday, this the 27th day of May, 2002



K. V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

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A P P E N D I X

Applicant's Annexures:

1. A-1: True extract of reference No.3/A-2/1203 dated, 18-1-88 issued by the 2nd respondent.
2. A-2: True relevant extract of order Ref.No.3/Pers/A-2/1203 dated, 30.4.97 issued by the 2nd respondent.
3. A-3: True copy of order No.Ref-3/AGM(P)/1109 (Gp. 'B')/102 dated, 10.1.2000 issued by the 2nd respondent.
4. A-4: True relevant extract of eligibility list enclosed with Annexure A-3 order dated, 10.1.2000.
5. A-5: True relevant extract of letter Ref.No.3/A-2/1203 /10197 dated, 2.12.87 issued by the 2nd respondent.

Respondents' Annexures:

1. R-1: True copy of the Circular No.3/AGM(P)/1109 (GPA) 102 dated 10.1.2000 issued by Asst. General Manager.
2. R-2: True copy of the Recruitment Rule bearing canteen Stores Department Order No.82/80 dated 11.12.80.
3. R-3: True copy of the OM No.20011/1/96-Estt(D) dated 30.1.97.

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