

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

OA No. 232 of 1996
OA No. 275 of 1996
and
OA No. 830 of 1997

Friday, this the 31st day of October, 1997

CORAM

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. AM SIVADAS, JUDICIAL MEMBER

OA No. 232 of 1996

1. K.C. Sedi, S/o B. Indeen,
Headmaster, Senior Basic School,
Andrott,
residing at Kanrichella House,
Andrott Island, Lakshadweep.

.. Applicant

By Advocate Mrs Sumathi Dandapani

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director of Education,
Union Territory of Lakshadweep,
Kavaratti.
3. The Secretary to Government of India,
Department of Personnel & Training,
New Delhi.
4. The Secretary to Government of India,
Ministry of Home Affairs, New Delhi.
5. Koyyammakoya,
Trained Graduate Teacher,
Govt. High School, Andrott.

.. Respondents

By Advocates Mr. PR Ramachandra Menon, ACGSC (R1-4) and
Mr. MR Rajendran Nair (R5)

OA No. 275 of 1996

1. B. Cheriyaakoya, S/o Kidave K.C.,
Trained Graduate Teacher,
Government High School, Andrott,
residing at Belutheth House,
Andrott Island, Lakshadweep.
2. B. Muthukoya, S/o Kidave K.C.,
Trained Graduate Teacher,
Government High School, Andrott,
residing at Belutheth House,
Andrott Island, Lakshadweep.



3. S. Pookunhikoya, S/o Attakoya Thangal P.O.,
Trained Graduate Teacher,
Government High School, Androth,
residing at Shekkiriyammada House,
PO Androth Island, Lakshadweep.

.. Applicants

By Advocate Mrs Sumathi Dandapani

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director of Education,
Union Territory of Lakshadweep,
Kavaratti.
3. The Secretary to Government of India,
Department of Personnel & Training,
New Delhi.
4. The Secretary to Government of India,
Ministry of Home Affairs, New Delhi.
5. P. Aboosalankoya,
Post Graduate Teacher,
Govt. High School, Kavaratti.

.. Respondents

By Advocates Mr. PR Ramachandra Menon, ACGSC (R1-2) and
Mr. MR Rajendran Nair (R5)

OA No. 830 of 1997

1. P.K. Sayed Ashraf, S/o Abdul Rahman,
Trained Graduate Teacher,
Government High School, Minicoy,
residing at Purakkara House,
Kiltan Island.

.. Applicant

By Advocate Mrs Sumathi Dandapani

Versus

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director of Education,
Union Territory of Lakshadweep,
Kavaratti.
3. The Secretary to Government of India,
Department of Human Resources Development,
New Delhi.
4. The Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.



By Advocate Mr. PR Ramachandra Menon, ACGSC

The applications having been heard on 31.10.1997, the Tribunal on the same day delivered the following:

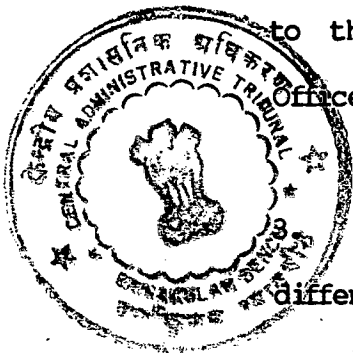
O R D E R

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

OA No. 232 of 1996

The applicant, who is working as Headmaster, Senior Basic School, Andrott, is aggrieved by the fixation of the higher qualification of Post-graduation for promotion to the post of Headmaster by A-4 notification dated 25-1-1996. The qualification had been earlier under A-1 notification fixed as Trained Graduate Teachers with 5 years regular service in the grade and that was amended as Trained Graduate Teachers with 5 years regular service in the grade with Post Graduate qualification. Applicant challenges this amendment on the ground that it is arbitrary and discriminatory.

2. Respondents submit that the Recruitment Rule had to be changed since it was not in accordance with the Government of India instructions based on the recommendation of the Chattopadhyaya Commission. An application had been filed in OA No. 529/95 before this Tribunal and the Tribunal had directed consideration of a representation, following which an instruction was issued (R-2 dated 12-1-1996) directing the Lakshadweep Administration to amend the relevant provisions of the Recruitment Rules by prescribing Post-Graduate qualification for promotion of Trained Graduate Teachers to the posts of Headmaster, Senior Basic School/Assistant Education Officer (Academic)/Assistant Headmaster, High School.



The prerogative of fixing the qualifications required for different posts is with the administration. It is seen that the amendment was only to implement the recommendations of the

Chattopadhyaya Commission and we do not see anything arbitrary or discriminatory in the amendment. It is also not for the Tribunal to prescribe the qualifications where an expert body has already gone into it and suggested what the qualifications should be.

4. The prayer of the applicant to quash A-4 amendment cannot, therefore, be granted. Consequently, the prayer for directing the posts sanctioned as per A-1 to be filled up on the basis of A-1 rules and to absorb the applicant in the post of Headmaster with effect from 16-8-1994 as per A-3 cannot also, therefore, be granted since his posting as Headmaster by A-3 order was only on ad hoc basis and the promotion was only temporary.

5. The application is dismissed accordingly. No costs.

OA No. 275 of 1996

In this application, the challenge is confined to A-5 amendment which is the same as A-4 in OA No. 232 of 1996. Since the prayer to quash the amendment is rejected, the application will stand dismissed. No costs.

OA No. 830 of 1997

The challenge in this application is also against the amendment and as stated above, the prayer to quash the amendment cannot be granted. The applicant herein has already been reverted. The application will stand dismissed. No costs.

Dated the 31st of October, 1997

sdl.

A.M. SIVADAS
JUDICIAL MEMBER

sdl.

P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



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Date5.....11.....27.....

Deputy Registrar

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LIST OF ANNEXURES

O.A. 232/96

1. Annexure A1: True copy of Notification, F. No.18/30/89-Edn. dated 9.12.1994 published in Lakshadweep Gazette, Vol.XXX No.47, dated 1.2.1995 by the 1st respondent.
2. Annexure A3: Order F. No.18/82/86-Edn. dated 16.8.1994 of the 2nd respondent issued to the applicant.
3. Annexure A4: Notification F. No.18/30/89-Edn. dated 25.1.1996 of the 1st respondent issued to the Manager, Lakshadweep Government Press for publication in Lakshadweep Gazette.
4. Annexure R2: Letter dated 12.1.1996 No.F.15-34/95-UT-I issued by Ministry of Human Resource Development to the 1st Respondent.

O.A. 275/96

1. Annexure A4: Office Memorandum F. No.18/36/89-Edn. dt. 4th July, 1993 issued by the Director of Education (2nd respondent)
2. Annexure A5: Notification F. No.18/30/89-Edn. dt. 25.1.1996 of the 1st respondent issued to the Manager, Lakshadweep Government Press for publication in Lakshadweep Gazette.

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