

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 276 OF 2007

Friday, this the 1st day of February, 2008.

C O R A M:

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Smt. Leena Abraham
B-67, CPWD Quarters
Kunnumpuram Kakkanad PO
Now working as Lower Division Clerk
Office of the Executive Engineer (C)
Civil Construction Wing
Akashvani and Doordarshan
CEZ, Kochi – 682 037

Applicant

(By Advocate Mr.Roy Thomas)

Versus

1. Union of India represented by the Secretary to Government,
Ministry of Information and Broadcasting
Central Government Secretariat
New Delhi
2. The Director Staff Training Institute (programmes)
All India Radio, Kingsway
New Delhi – 9
3. The Station Director
All India Radio
Vazhuthakad P.O
Thiruvananthapuram
4. The Executive Engineer (Civil)
Civil Construction Wing
AIR and TV, CSEZ P.O
Kochi – 682 037
5. Sri Ramakrishnan R
UDC, All India Radio
Pallikunnu P.O., Kannur
6. Smt.A.D.Daisy
UDC, All India Radio
Beach Road, Calicut
7. Sri C.V.Joseph
UDC, All India Radio and TV
CSEZ PO, Kochi – 682 037

: 2 :

8. Sri D Shaji
UDC, All India Radio
Ramavarma Puram, Thrissur : Respondents.

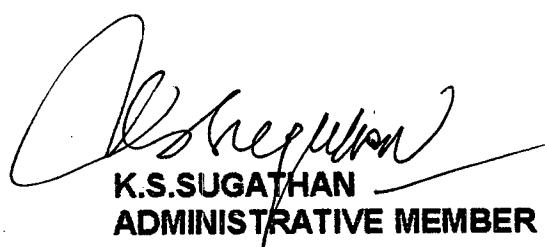
(By Advocate Mr.TPM Ibrahim Khan, SCGSC (R1-4)
Mrs.A.D.Daisy (R-6)
Mr.C.V.Joseph (R-7)

ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant's counsel has not been appearing for the last two occasions. On 03.01.2008, he was represented only by the proxy counsel and the case was adjourned to 16.01.2008. On 16.01.2008 none was present for the parties. Today also the counsel for applicant is not present. None on behalf of the private respondents 5 to 8 is also present. Only the counsel for Respondents 1 to 4 is present. It appears that the applicant is not interested to prosecute the case. OA, is therefore, dismissed for default. There shall be no order as to costs.

Dated, the 1st February, 2008.



K.S.SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

VS

276/07

19.2.08 KBSR/KSS C-II
9. Mr. Roy Thomas
Mrs. Jisha for Mr. TPMI Khan, SCGSC

MA 159/08

The prayer in this MA is for restoration of the OA. Not opposed. MA is allowed. Post the OA for hearing on 19.3.2008.

KSS(AM)
asp

KBSR(JM)

1.O. Issued on 21/2/08

MA 159/08
For restoration
added

21/2/08

19.03.08 GP(JM)&KSS(AM) C-11
44 Mr. Roy Thomas
Ms. Jisha for Mr. TPM Ibrahim Khan SCGSC
(R 1-4)
None for private respondents.

Heard counsel for parties.
Order pronounced in open court.

KSS(AM)
abp

GP(JM)

Final order verified

21/2/08
Co. B

3/3/08

Final order issued on 4/4/08

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.276/2007
Dated the 19th day of March, 2008

CORAM:

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Leena Abraham,
B-67, CPWD Quarters,
Kunnumpuram Kakkanad PO,
Now working as Lower Division Clerk,
Office of the Executive Engineer(C),
Civil Construction Wing,
Akashwani and Doordarshan,
CEZ, Kochi-682 037. ... Applicant

By Advocate Mr. Roy Thomas

V/S.

- 1 Union of India represented by the Secretary to Government, Ministry of Information and Broadcasting, Central Government Secretariat, New Delhi
- 2 The Director, Staff Training Institute (Programs) All India Radio, Kings way, New Delhi-9.
- 3 The Station Director, All India Radio, Vazhuthakad P.O., Thiruvananthapuram.
- 4 The Executive Engineer(c), Civil Construction Wing, AIR and TV, CSEZ P.O. Kochi – 682 037.
- 5 Sri Ramakrishnan R, UDC, All India Radio, Pallikunnu P.O. Kannur.

6 Smt.A.D.Daisy,
UDC, All India Radio,
Beach Road, Calicut.

7 Sri C.V.Joseph,
UDC, AIR & TV,
CSEZ P.O. Kochi0682 037.

8 Sri D.Shaji
UDC, All India Radio,
Ramavarma Puram, Thrissur ... Respondents

By Advocate Ms Jisha for Mr.TPM Ibrahim Khan SCGSC

The application having been heard on 19.3.2008, the Tribunal on the same day delivered the following:

(ORDER)

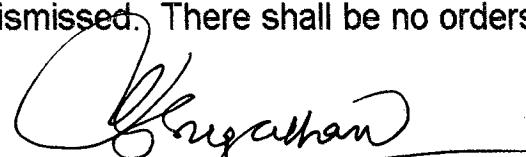
Hon'ble Mr George Paracken, Judicial Member

The applicant is aggrieved by the Annexure A-13 order dated 30.3.2007 issued by the 4th respondent. This letter has been issued on the basis of the Annexure R-4 letter issued by the 2nd respondent. These letters have been issued in compliance of the Tribunal's earlier order dated 1.3.2007 in OA 136/2007. The respondents have duly considered the representation of the applicant dated 26.11.2006 and informed her that she qualified in the Written Examination for the year 2002-2003, but she failed to make the grade due to the low vacancy position. There was only 1(UR) vacancy in the said year and her position was the 13th in the panel. She has not qualified in the written examination for the years 2000-2001 and 2003-2004 as she could not secure the cut off qualifying marks. They have also submitted that under the scheme of the Departmental Competitive Examination, there is no provision for declaring the marks secured by the individual candidates.

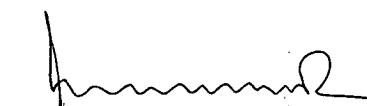


2 The contention of the applicant's counsel is that applicant had served for 19 years as LDC and it was because of the malafide action on the part of the respondents that she has not so far been promoted as UDC.

3 We have heard Advocate Mr.Roy Thomas for the Applicant and Advocate Ms Jisha for Mr TPM Ibrahim Khan SCGSC for the Respondents. We have also perused the entire record. It is true that the applicant has put in 19 years of service as LDC and she had appeared in the competitive examinations for promotion as UDC held in various years. On one occasion, she has also qualified the test but unfortunately she could not be promoted as there was only one vacancy and she was 13th in the panel. We, therefore, do not find any justification in interfering in the matter by calling for the records of the Departmental Competitive Examinations for promotion from LDC to UDC/SK held during the years from 2000 to 2006 or to direct the respondents to promote the Applicant to the post of UDC. In this view of the above position, the OA is dismissed. There shall be no orders as to costs.



DR.K.S.SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

abp