

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 288/99

Monday the 20th day of December, 1999

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.K.Narayanan
S/o K.K.Ettiathi
Care Taker,
Central Administrative Tribunal
Ernakulam Bench.
Residing at C-10
General Pool Residential Accommodation Quarters
Kunnumpuram, Kakkanad, Ernakulam.Applicant.
(By advocate Mr T.C.Govindaswamy)

Versus

1. The Registrar
Central Administrative Tribunal
Principal Bench, New Delhi.
2. The Deputy Registrar
Central Administrative Tribunal
Ernakulam Bench, Ernakulam.
3. Union of India represented by the
Secretary to Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)
New Delhi.Respondents.

(By advocate Mr Govind K. Bharathan, SCGSC)

The application having been heard on 20th December, 1999, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to declare that the non-feasance on the part of the first respondent to absorb him as Assistant on par with his juniors and others in the cadre in terms of Annexures A1/A2 and to direct the first respondent to absorb him in the cadre of Assistants with consequential benefits of seniority and other benefits from the date of absorption of persons like Shri Sarada and to confer him lien in the cadre of UDC/Assistants as the case may be with effect from 1-11-89 with all consequential benefits.

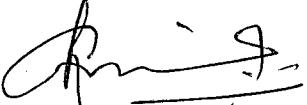
2. In the reply statement, it is stated that "the respondents have considered the claim made by the applicant for absorption as UDC with effect from 1-11-89 with all consequential benefits as per rules and his simultaneous de-absorption as Caretaker with effect from 1-11-89. It is submitted that if the applicant is willing to be absorbed as UDC with effect from 1-11-89, he will be considered for absorption as UDC from that date and after his absorption as UDC he may be eligible to his seniority in the UDC grade and can be considered for promotion if he fulfills all the conditions laid down in the relevant recruitment rules for such promotion. It is further submitted that on receipt of such an option from the applicant, further steps will be taken to annul the order of absorption of the applicant as Caretaker with effect from 1-11-89 and simultaneous steps will be taken for his absorption as UDC with effect from 1-11-89 so that the applicant is not left without a lien."

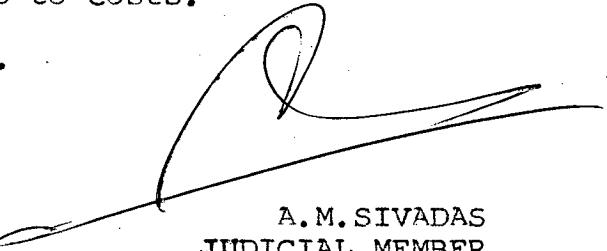
3. Learned counsel appearing for the applicant submitted that the applicant is willing to be absorbed as UDC with effect from 1-11-89 and recording the submission made in the reply statement respondents may be directed to complete the exercise within a reasonable period.

4. Submission of the respondents in the reply statement is recorded.

5. Respondents shall complete the exercise within two months from the date of receipt of a copy of this order. The OA is disposed of as above. No order as to costs.

Dated 20th December, 1999.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A. M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-1: True copy of the memorandum No.4/1/3/93-Admn. dated 15-9-98 issued by the second respondent.

A-2: True copy of the letter dated 21-9-98 submitted by the applicant to the second respondent.