

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.288/04

Tuesday this the 9th day of November 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. S.K.HAJRA, ADMINISTRATIVE MEMBER

C.K.Babu,  
Fireman,  
Naval Ship Repair Yard, Cochin. Applicant

(By Advocate Mr.P.P.Jacob)

Versus

1. Union of India represented by its  
Secretary to Govt. of India,  
Ministry of Defence, New Delhi.
2. Flag Officer Commander in Chief,  
Southern Naval Command,  
Naval Base, Kochi.
3. Commodor Superintendent,  
Commander of Yard Office,  
Naval Ship Repair Yard,  
Naval Base, Kochi.
4. K.Vijayan,  
Fireman,  
Naval Ship Repair Yard (K),  
Cochin.
5. A.Unnikrishnan,  
Fireman,  
Naval Ship Repair Yard,  
Cochin. Respondents


(By Advocate Mr.TPM Ibrahim Khan,SCGSC [R1-3] &  
Mr.MM Saidu Muhammed [R4-5])

This application having been heard on 9th November 2004  
the Tribunal on the same day delivered the following :

O R D E R

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

The applicant, Fireman, Naval Ship Repair Yard, Cochin,  
has filed this application praying to set aside Annexure A-7  
panel of promotion by which respondents 4-5 have been promoted as  
Engine Driver Class III declaring that he is eligible to be  
considered for promotion as Engine Driver Class III against the




existing vacancy, if necessary by relaxation of rules, that he is entitled to be considered for promotion by including him in the panel of promotion and non consideration of Annexure A-8 representation by the respondents is arbitrary, discriminatory and unjustifiable and for a direction to the respondents to consider the applicant for promotion and set aside the promotion of respondents 4-5. It is alleged in the application that the applicant being senior non consideration of the applicant for promotion on par with his juniors is arbitrary, irrational and unconstitutional.

2. Respondents 1-3 have filed a reply statement. Respondents 4-5 have also filed a separate reply statement contesting the claim of the applicant. However, in paragraph 14 & 15 of the reply statement of the official respondents 1-3 it has been stated as follows :

14. With regard to the averments in Ground 8 it is humbly submitted that there are two more vacancies exist in the grade of Engine Driver Class III. The applicant will be considered for promotion to the post of Engine Driver Class III if it is confirmed by Mercantile Marine Department that the personnel who possess Master II Class certificate can be treated as eligible for Engine Driver II Class.

15. With regard to the averments in Ground 9 it is humbly submitted that the respondents 4 and 5 who were empaneled for promotion to the post of Engine Driver Class III have already been promoted with effect from 07th January 2004. The applicant will also be considered for promotion provided the certificate possessed by the individual is found suitable for consideration to the post of Engine Driver Class III.

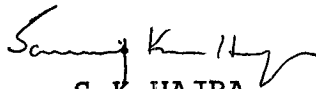
3. When the application came up for hearing today learned counsel of the applicant states that in view of what is stated by the official respondents in paragraph 14 and 15 the application may be disposed of directing the respondents to consider the



claim of the applicant for promotion against the existing vacancy in case Mercantile Marine Department clarify that the personnel who possess Master II Class certificate would be treated as eligible for promotion as Engine Driver Class III. Learned counsel for the respondents 4-5 submitted that they have no objection in disposing of the O.A. with such a direction provided their rights are not affected. Official respondents also agree for such a disposal.

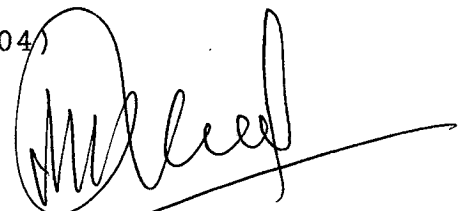
4. In the light of the submissions made by the counsel and in view of what is contained in paragraph 14 and 15 of the reply statement of the respondents 1-3 we dispose of this application directing the respondents to consider the claim of the applicant against the vacancy still existing after promotion of respondents 4-5 as Engine Driver Class III without affecting the earlier promotion of respondents 4-5 if Mercantile Marine Department clarifies that the qualification possessed by the applicant can be treated as eligible qualification for the post. There is no order as to costs. Challenge to Annexure A-7 is not pressed by the applicant and hence not considered.

(Dated the 9th day of November 2004)



S.K. HAJRA  
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN  
VICE CHAIRMAN