

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.303/94

Monday, this the 6th day of February, 1995

CORAM

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

S. Attakoya,  
Assistant Engineer(Civil),  
P.W.D.Amini,  
(Surambiyoda House, Kiltan Island),  
U.T. of Lakdhadweep.

...Applicant

By Advocate Mr MR Rajendran Nair.

Vs.

1. Union of India rep. by  
the Secretary to Govt. of India,  
Ministry of Urban Development,  
New Delhi.
2. The Administrator,  
U.T. of Lakshadweep,  
Kavaratti.
3. Shri KV Venugopalan,  
Junior Engineer (Civil),  
P.W.D. Circle Office,  
Kavaratti(Working as  
Assistant Surveyor of Works) ...Respondents

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant is an Assistant Engineer (Civil) under the Lakshadweep Administration. In this O.A. he has prayed for setting aside the promotion granted to 3rd respondent on the basis of a review D.P.C. Applicant was promoted as Assistant Engineer on regular basis by order dated 14.10.89, but this was reversed and the applicant was reverted without any notice to him or any opportunity given to make a representation. Meanwhile, the applicant was selected and appointed as

...2/-

Assistant Engineer on 2.3.93 as a Direct Recruit. Applicant apprehends that unless his promotion with effect from 16.10.89 is restored he would not be eligible from the point of view of the requisite period of experience for promotion to the next higher post for which vacancies exist.

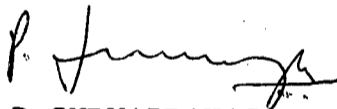
2. During the hearing learned counsel for applicant submitted that in the alternative, the period of service as Assistant Engineer rendered by him as a promotee should be added to the period of service rendered by him as direct recruit for reckoning the eligibility for promotion to higher posts. Though such a prayer is not spelt out in the O.A., this would give him the same benefit in respect of higher promotion. It was considered that in the first instance, a representation can be made to 1st respondent requesting to count the total period of service rendered as Assistant Engineer either in the promotee status or in the direct recruit status for the purpose of eligibility for promotion. Alternatively, the first respondent could be requested that the power granted to relax may be exercised by respondents to give the same relief. Applicant is permitted to make such a representation to 1st respondent within six weeks. If such a representation is made, 1st respondent will consider his representation duly taking

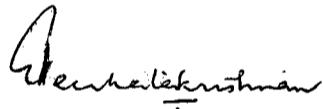
note of the fact that as far as the eligibility of service for promotion is concerned the service rendered as a promotee is of the same quality as service rendered as direct recruit in the post of Assistant Engineer and pass appropriate orders within four months from the date of receipt of the representation.

4. We dispose of the application with the above direction, reserving freedom to the applicant to re-agitate the entire matter in this O.A., if he is aggrieved by the orders passed by 1st respondent on the representation made in terms of the above direction.

No costs.

Dated the 6th day of February, 1995.

  
P SURYAPRAKASAM  
JUDICIAL MEMBER

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

P/62