

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 305 of 1997.

Wednesday this the 19th day of August 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

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

A. Saidali,  
Junior Engineer,  
Lakshadweep P.W.D., Kavarathi,  
residing at Ashemmakada House,  
Kavarathi.

.. Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India, represented by  
Secretary to Government of India,  
Ministry of Urban Development,  
New Delhi.
2. The Administrator, Union Territory  
of Lakshadweep, Kavarathi.
3. Mohammed Khaleel, Junior Engineer,  
Lakshadweep PWD, Kavarathi.
4. T.K. Cheriya Koya, Junior Engineer,  
Lakshadweep PWD, Kadamath.
5. C.N. Ukkas, Junior Engineer,  
Lakshadweep PWD, Amen.
6. A.B. Pookunhikoya, Junior Engineer,  
Lakshadweep PWD, Androth.
7. B. Mohammed Khaleel, Junior Engineer,  
Lakshadweep P.W.D., Androth.
8. P.P. Abdul Rahiman, Junior Engineer,  
Lakshadweep PWD, Chetlat.
9. A.K. Alikoya, Junior Engineer,  
Lakshadweep PWD, Agathi.

... Respondents

(By Advocate Shri PR Ramachandra Menon, ACGSC (for R.1-2)

By Advocate Shri P.V. Madhavan Nambiar (for R.3 to 9).

The application having been heard on 19th August, 1998,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER.

Applicant who is a Junior Engineer, Lakshadweep P.W.D.  
submits that he is a Degree holder and that the cadre of  
Junior Engineer has both degree holders and diploma holders.  
The next stage for promotion is that of Assistant Engineer.  
The Recruitment Rules provide that degree holders with  
3 years experience and diploma holders with 7 years experience

are eligible to be considered for promotion to the post of Assistant Engineer. The contention of the applicant is that a degree holder who has completed three years of service should be placed above a diploma holder who completes 7 years of service after the date on which the degree holder completes three years of service and promotions to the grade of Assistant Engineer should be made on the basis of the order in which the Junior Engineers become eligible for promotion to the post of Assistant Engineer and not on the basis of the order in which they appear in the seniority list of Junior Engineers.

2. Respondents submit that in accordance with the rules, the seniority list of Junior Engineers<sup>0</sup> is considered as on the date on which a vacancy of Assistant Engineer arises and persons who are eligible for promotion on the date on which the vacancy of Assistant Engineer arises are considered for promotion, provided they are within the zone of consideration.

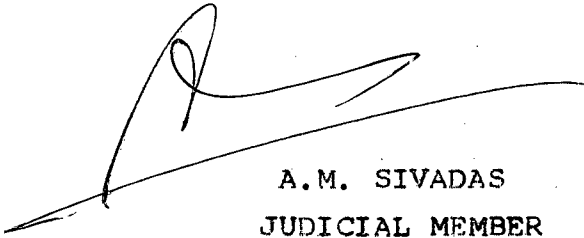
3. After hearing the counsel on both sides at length, learned counsel for applicant submitted that the applicant will be satisfied if he is permitted to approach the first respondent for the redressal of his grievances. Learned counsel for respondents 3 to 9 submitted that a vacancy of Assistant Engineer has arisen in March, 1998, which is still kept unfilled and that it may be made clear that the direction to consider the representation of the applicant will not stand in the way of filling up that vacancy.

4. Accordingly, we permit the applicant to submit his representation to first respondent within one month of today through proper channel. If such a representation is submitted, the first respondent shall consider it and pass appropriate orders within two months of the receipt of the representation by first respondent. It is made clear that consideration of

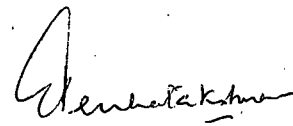
the representation of the applicant in pursuance of our direction will not stand in the way of the departmental respondents filling up the vacancy of Assistant Engineer that has arisen in March 1998 and which it is submitted is still unfilled.

5. Application is disposed of as aforesaid. No costs.

Dated the 19th August, 1998.



A.M. SIVADAS  
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER