

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.306/99

Tuesday this the 6th day of April, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

1. N.G.K.Nair S/o Narayana Pillai,
Lascar I Class,
N.S.R.Y, Cochin.
2. N.K.Antony, S/o Kochappu,
Lascar I Class,
NSRY, Cochin.
3. M.V.Soman, S/o Velu
Lascar I Class,
NSRY, Cochin.

...Applicants

(By Advocate Mr. Pulikool Aboobacker (represented)

Vs.

1. The Flag Officer Commanding-in-Chief,
Southern Naval Command,
Cochin-68 2004.
2. Union of India represented by the
Secretary, Ministry of Defence,
New Delhi.

...Respondents

(By Advocate Mr. Govindh K Bharathan, SCGSC (rep.)

The application having been heard on 6.4.1999, the Tribunal
on the same day delivered the following:

O R D E R

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

Applicants who are working as Lascar I Class
allegedly for about 32 years are aggrieved that they have
not been promoted to the post of Tindal of Lascar. They
have therefore filed this application for a direction to
the 1st respondent to promote them as Tindal of Lascar with
retrospective effect and for staying all further promotions
to the post of Tindal of Lascar till the applicants are
considered for promotion.

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2. The applicants have stated in the application that they have made representations claiming promotion as Tindal of Lascar and have by orders Annexures II, II(a) and II(b) informed that there are two vacancies in the post of Tindal of Lascar and the applicants' claim cannot be acceded to as those who belong to the feeder category of Winchmen are available and that the same cannot be filled up for the present due to anomaly in the pay scales.

3. On a perusal of the application and the other materials available and on hearing the learned counsel for the applicant as also the Senior Central Government Counsel appearing for the respondents we do not find any legitimate grievance of the applicants needs adjudication and redressal. The applicants have no case that they have superseded in the matter of promotion unjustifiably. The applicants have also not impugned the orders Annexures II, II(a) and II(b) by which they have been very clearly told that as per the recruitment rules the Lascar I Class is the last among the feeder categories and failing the two prior categories alone their case for consideration for promotion would arise.

4. Under these circumstances, we are of the considered view that the application does not deserve admission. The application is therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 6th day of April, 1999.

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER

A.V. Haridasan

A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the Order:

Annexure.II True copy of the order No.NSRY/10/267/1 issued by the Ist respondent dated 1.1.1999.

Annexure.II(a): True copy of the order No.NSRY/10/267/1 issued by the Ist respondent dated 1.1.1999.

Annexure.II(b): True copy of the order No.NSRY/10/267/1 dated 1.1.1999 issued by the Ist respondent.

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