

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION

23rd MARCH, 1990

Present

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

ORIGINAL APPLICATION No. 322/89

K. Kamalasan
Sivanandan
P.C.Krishnan
K.C.Chitra Kumari

.. Applicants

Vs.

1. The General Manager,
Telecommunications,
Kerala Circle, Trivandrum.
2. The Director General
Posts and Telegraphs,
New Delhi.
3. Union of India represented
by Secretary to Government
of India, Ministry of
Communications, New Delhi .. Respondents

Counsel for the applicants .. M/s M.R.Rajendran Nair
and PV Asha

Counsel for the respondents .. Mr.K.P.Thangakoya Thangal
ACGSC

O R D E R
(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 2.5.1989 filed under
Section 19 of the Administrative Tribunals Act, the four
applicants who have been working as Section Supervisor
under the Telecom District Manager, Trivandrum have prayed
that they should be confirmed in the grade of L.D.C. in
their turn and the impugned order dated 19.1.89 at Annexure
X should be set aside. Their grievance is that even though

they passed the confirmation test within four years by and not availaing of more than six chances, they have been denied the benefit of confirmation in their turn. This benefit was extended to a number of time-scale Clerks similarly circumstanced as the applicants before us, by the High Court of Kerala in O.P.No.3145/79 vide Judgment dated 20.7.82 as also in O.P.4602/79 confirmed in Writ Appeal No.742/82. This Tribunal also in a similar case and relying upon these judgments of the High Court allowed the benefit to the applicants in Transferred Application No.276/86. The respondents however, are prepared to extend the benefit on the basis of the aforesaid judgments only to those whose favour the judgments have been pronounced. The stand taken by the respondents has given rise to an anomalous situation in as much as persons junior to the applicants before us having got the benefit of the aforesaid judgments have been rendered senior and received consequential benefits while the applicants and others who are senior to them have been deprived of the same.

2. Having heard the learned counsel for both the parties and gone through the documents we are convinced that the applicants also should be given the benefit of the aforesaid judgments, otherwise an anomolous situation

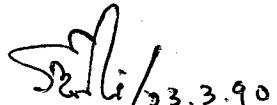
.3.

and discrimination will accrue.

3. In the facts and circumstances, we allow ^{qash Annexure-X} this application [/] and declare that the applicants [✓] having passed the confirmation test during the permissible limits of four years and within six chances are entitled to be confirmed in their due turn. We direct the respondents to grant the applicants such confirmation and consequential revision of seniority and other consequential benefits as have been extended [✓] to the petitioners in the aforesaid judgments. There will be no order as to costs.



(A.V.HARIDASAN)
JUDICIAL MEMBER


23.3.90

(S.P. MUKERJI)
VICE CHAIRMAN

23-3-90

Ksn.