

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 342/2001

Wednesday this the 8th day of January, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.P.Koya,
Trained Graduate Teacher,
Government High School,
Agatti,
Lakshadweep.

...Applicant

(By Advocate Mr. ESM Kabeer)

V.

1. The Administrator,
Union Territory of Lakshadweep
Kavaratti.
2. The Director of Education,
Union Territory of Lakshadweep
Kavaratti.
3. Union of India, represented by
Secretary to Government of India,
Ministry of Human Resources Devpt.
Department of Education,
New Delhi.
4. R.K.Buhari, Assistant Headmaster,
CMS School,
Chathalath.
4. P.K.Syed Ashraf,
Assistant Headmaster,
Government High School,
Agatti.
6. K.Amanullah
Assistant Headmaster,
Government High School
Kadamath.
7. Yousef Pali
Assistant Headmaster,
Government High School
Kiltan.
8. K.P.B.Ahmed Koya,
Trained Graduate Teacher,
Government High School
Androth,
UT of Lakshadweep,
(impleaded vide order dated 27.01 in MA 648/01).

.....Respondents

By Advocate Mr.PR Ramachandra Menon (R.1&2)
Mr.PK Ibahim (rep.) for R.5
Mr.PK Madhusoodhanan (for R.8).
None for R.3.

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The application being taken up for hearing, the Tribunal on the same day delivered the following:

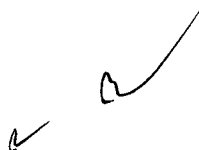
O R D E R

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

The applicant a Trained Graduate Teacher working in the Government High School, Agatti in Lakshadweep Islands has Post Graduate qualification. He has filed this application for a direction to the respondents to prepare a seniority list of TGT with Post Graduation according to their acquirement of PG Qualification in their respective subjects, to promote the applicant as Assistant Headmaster, High School under Education Department considering his five years experience as a Trained Graduate Teacher having Post Graduation (MA in Malayalam & M.Ed) based on Annexure.A1 Recruitment Rule and to revert respondents 4 to 7 who are not having five years experience after acquiring their post graduation and to direct the 1st respondent to consider and dispose of Annexure.A8 representation dated 21.11.2000.

2. It is alleged in the application that according to Recruitment Rules (A1) promotion to the post of Headmaster, Senior Basic School/Assistant Education Officer (Academic)/Assistant Headmaster, High School are to be filled by promotion of Trained Graduate Teachers with five years regular service in the grade with P.G.Qualification, that the seniority has to be reckoned with effect from the date of acquisition of Post Graduate Qualification, that while the applicant having Post Graduate qualification and required length of service was available for promotion, the respondents 4 to 7 were promoted without taking into

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account the seniority after acquisition of the PG qualification, that the applicant's representation made in the year 1997 was not considered and disposed of and that in accordance with the Recruitment Rules promotion to the post of Headmaster, Senior Basic School/Assistant Education Officer (Academic)/Assistant Headmaster, High School has to be made on the basis of seniority of Trained Graduate Teachers with reference to their date of acquisition of their PG Qualification.

3. On behalf of respondents 1 & 2 a reply statement has been filed. Respondents 5 and 8 also have filed their reply statement. The common contention is that the post of Headmaster, Senior Basic School/Assistant Education Officer(Academic)/Assistant Headmaster, High School is to be filled by considering Trained Graduate Teachers with five years service on the basis of their seniority and who have acquired PG qualification in the relevant subject. The respondents 4 to 8 have been considered and promoted on the basis of their seniority and they had the requisite PG Qualification. According to respondents, the applicant who is junior to respondents 4 to 8 has to wait for his turn for promotion and is not legitimately aggrieved by the promotion of Respondents 4 to 8. The applicant is not therefore, entitled to any relief claimed in the OA, submit the respondents.

4. We have gone through the pleadings and materials placed on record. We find that the applicant is under a misapprehension of the provisions

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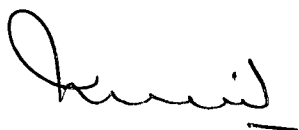


4.

of the Recruitment Rules. The post of Headmaster, Senior Basic School/Assistant Education Officer (Academic)/Assistant Headmaster, High School is to be filled according to the Recruitment Rules by promotion of Trained Graduate Teachers with five years service in the grade and who have PG qualification. Nowhere in the Recruitment Rules it is prescribed that the date of acquisition of PG Qualification should have any relevance to seniority or eligibility for consideration for promotion. In the matter of promotion the element of seniority cannot be ignored. Respondents 4 to 8 are undisputed seniors of the applicant as T.G.T. When they were promoted they had Post Graduate qualification also. Merely because the applicant had acquired Post Graduate qualification before respondents 4 to 8 acquired he does not become senior to them. The applicant has not challenged their promotion also.

5. In the light of what is stated above the application is without merit. We dismiss the application without costs.

Dated the 8th day of January, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the notification F.No.18/30/89/Edn. dated 25.1.96 issued by the Administrator, Union Territory of Lakshadweep.
2. A-2: True copy of the order F.No.18/31/2000-Edn.(Estt) dated 7.11.2000 issued by the Administrator, Union Territory of Lakshadweep.
3. A-3: True copy of the order F.No.18/30/89-Edn. dated 31.7.97 issued by the Administrator Union Territory of Lakshadweep.
4. A-4: True copy of the Order F.No.18/11/98-Edn. dated 14.5.98 issued by the Director of Education Union Territory of Lakshadweep, Kavaratti.
5. A-5: True copy of the representation dated 20.8.97 submitted before the Administrator, Union territory of Lakshadweep by the applicant.
6. A-6: True copy of the order No.F.5-180/86-U.T.I. Govt. of India, Ministry of Human Resources Development (Dept. of Education) dated 12.8.87.
7. A-7: True copy of the Provisional Seniority List of Trained Graduate Teachers F.No.18/30/2000-Edn. (Estt) dated 20.9.2000 issued by the Director of Education, Union Territory of Lakshadweep.
8. A-8: True copy of the representation dated 22.11.2000 submitted before the Administrator, Union Territory of Lakshadweep by the applicant.

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15.1.03