

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 356 1993

DATE OF DECISION 11.6.93

A. John Applicant (s)

Mr. Nandakumara Menon Advocate for the Applicant (s)

Versus

The Union of India represented Respondent (s)
by Secretary, Deptt. of Space, Anthareeksha Bhavan,
New BEL Road, Bangalore-54 and others

Mr. George C.P. Tharakan, SCSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is a senior Accounts Assistant-B in the VSSC, ISRO Trivandrum. He is coming for the second time for getting earlier promotion to the post of Assistant Accounts Officer in the scale of Rs. 2000-3200 and consequential promotion to the post of Accounts Officer. According to applicant he is entitled to get promotion without passing test for promotion as indicated in the impugned Annexure-K order dated 28.12.92. He submitted that after the judgment of this Tribunal in TAK 234/87 and the direction thereon, there was undue delay on the part of respondents in implementing the direction. Hence, he was denied the benefit of promotion in terms of the earlier rules then in force.

2. When the matter came up for admission, learned counsel for respondents who took notice on behalf of respondents denied the allegation and justified the action taken by respondents.

3. During the course of argument, learned counsel for applicant submitted that in two other cases, ¹ _{M.4} Smt. Ponnamma K. Nair and M.P. Das, respondents have granted promotion to the post of Assistant Accounts Officer w.e.f. earlier dates without insisting the employee to pass the written test. Applicant submitted that he is entitled to similar benefits. Details with regard to the comparable cases have been given by the applicant in ground-D which is extracted below:

"It is only due to the laches on the part of the second respondent that the applicant was not given promotions at the appropriate time. Moreover, it is pertinent to note that in the case of one Smt. Ponnamma K. Nair who was working as Assistant Accountant was promoted as Assistant Accounts Officer w.e.f. 28.7.75 without her passing any written test. Now she is working as Accounts Officer-II. One M.P. Das who was working as Assistant Accountant in the C.E. D. Madras has also been promoted as Assistant Accounts Officer without insisting for any written test after 1.4.75. In the interest of justice, it is only just and proper that the applicant is given exemption from appearing for the test for promotion to the post of Assistant Accounts Officer and Accounts Officer-I otherwise the applicant will be put to irreparable injury less and inconvenience."

4. Learned counsel for applicant submitted that the applicant is entitled to similar treatment; but for the delay and laches on the part of respondents he ought to have received the benefit.

5. Learned counsel for respondents submitted that the claim of the applicant for getting promotion without sitting for written test will be considered appropriate by the competent authority if the applicant files a detailed representation within two weeks from the date of receipt of a copy of this judgment.

6. Accordingly, having heard counsel on both sides, we are satisfied that the application can be disposed of at the admission stage itself with appropriate direction. Having regard to the facts and statements made at the bar we dispose of the application directing the applicant to file a representation, as indicated above within two weeks from the date of receipt of a copy of this judgment, before the second respondent. If such a representation is received by the second respondent in terms of the aforesaid direction he shall consider and dispose of the same in accordance with law taking a decision as to whether the applicant is ^{from 11th June 1993} eligible for exemption ^{for} passing the written test as has been done in the case of two employees referred to by the applicant. This shall be done within a period of three months from the date of receipt of the representation.

7. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER



(N. DHARMADAN)
JUDICIAL MEMBER

11.6.93

kmm