

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.358/2004.

Friday this the 14th day of May 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

(By Advocate Shri R.Sreeraj)

VS.

1. Union of India represented by its Secretary to the Government of India, Ministry of Defence, New Delhi.
2. The Commanding Officer, Head Quarters, Southern Air Command(Unit), Air Force, Akkulam, Thiruvananthapuram-31.
3. Air Officer-in-Charge, Personnel, Air Head Quarters, Vayu Bhavan, New Delhi. Respondents

(By Advocate Shri C.B.Sreekumar, ACGSC)

The application having been heard on 14.5.2004, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. KV. SACHIDANANDAN, JUDICIAL MEMBER

The applicant is a Group-D Washer up working under the 2nd respondent w.e.f.19.1.1990. He is an aspirant for promotion to a Group 'C' post. It is averred in the O.A. that a Group 'C' vacancy has arisen on 30.4.04 and the respondents are taking steps to fill up the vacancy by transfer, in which case the applicant will lose his opportunity for promotion. Aggrieved by the above action on the part of the respondents the applicant has filed this O.A. seeking the following main reliefs:

i) To declare that the applicant is entitled to be considered for promotion to Group 'C' with the benefit of reservation also extended to him, and to direct the respondents to consider for promotion to a suitable group 'C' post, extending him the benefit of reservation.

ii) Alternatively to direct the 2nd respondent to consider and pass appropriate orders on Annexure A3 representation and communicate the same to the applicant well before the Group 'C' vacancy, which arose on 30.4.04 is filled up.

2. When the case came up before the Bench Shri R.Sreeraj appeared for the applicant and Shri C.B.Sreekumar, ACGSC appeared for the respondents. Learned counsel for applicant submitted that the applicant has made a representation (A3) on 15.4.04 which is pending disposal and the applicant would be satisfied if a limited direction is given to the 2nd respondent to consider and dispose of the representation within a time frame.

3. Learned counsel for the respondents submits that he has no objection in adopting such a course of action.

4. Considering the urgency in the matter this Court directs the 2nd respondent to dispose of A-3 representation as per rules and pass appropriate orders and communicate the same within a time frame of two months from the date of receipt of a copy of this order.

5. In the interest of justice this Court also directs that the respondents should not fill up the Group 'C' vacancy that has arisen on 30.4.04 as alleged in the O.A. by transfer till the representation is disposed of.

6. O.A. is disposed of at the admission stage itself. In the circumstance, no order as to costs.

Dated the 14.5.04.


K.V.SACHIDANANDAN
JUDICIAL MEMBER