

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.361/05

Wednesday this the 3rd day of August 2005

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER**

Arun Jadhav,
S/o.Madhavarao Jadhav,
Assistant Surveyor of Works (Asst. Engineer)
Lakshadweep P.W.D., Circle Office, Kavarathi.
Residing at Type III Quarters,
Near Fisheries Jetty, Kavarathi P.O.,
Union Territory of Lakshadweep.

...Applicant

(By Advocate Mr.Saji Varghese)

Versus

1. Union of India represented by the Under Secretary
to the Ministry of Urban Development & Poverty Alleviation,
(Works Division) New Delhi.
2. The Administrator,
Union Territory of Lakshadweep, Kavarathi. ...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC [R1] & Mr.Shafik M.A.[R2])

This application having been heard on 3rd August 2005 the Tribunal
on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is an Assistant Engineer working in the P.W.D and his
grievance is that a vacancy of Executive Engineer (Civilian) occurred on
1.7.2002, the applicant was eligible to be promoted but was not
considered. It is also stated that in the meantime the Recruitment Rules
for the post of Executive Engineer have been amended and new Rules
have been issued by notification dated 3.3.2004 and further submitted that
the vacancy which arose in 2002 should be filled up in accordance with
rules as existed at that point of time. Counsel on behalf of R1 has filed a

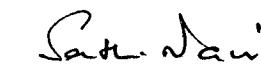
statement on instructions stating that proposal to fill up a vacancy of Executive Engineer (Civil) which arose on 1.7.2002 was received from the Lakshadweep Administration by letter dated 24.4.2004 and the U.P.S.C has been requested to convene a meeting of the Departmental Promotion Committee. The details required by the U.P.S.C have been furnished to them and meeting of the Committee will be fixed at any time. The representations received in the meantime from the applicant and another individual Shri.Abdul Salam M.K who are in the zone of consideration have been sent to the Lakshadweep Administration for taking necessary action in the matter. Counsel for the applicant relied on judgment in the case of **P Ganeshwar Rao & Others Vs. State of Andhra Pradesh & Others** (**AIR 1988 SC 2068**) to contend that the vacancies which occurred prior to amended rules will be governed by old rules and not by the amended rules.

2. We have considered the arguments of the respective counsel. Now that a decision has already been taken by the respondents to convene a meeting of the D.P.C., the relief sought for by the applicant to direct the respondents to consider his representation does not require any consideration as it has already been communicated to the Administration by the U.P.S.C. We hope that the D.P.C which is to be convened shortly will consider his case keeping in view the legal position as submitted by the counsel. The OA is disposed of accordingly. No order as to costs.

(Dated the 3rd day of August 2005)



K.V.SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN