

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 39/96

Wednesday, this the 24th day of June, 1998.

CORAM

HON'BLE MR P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

P.V.P. Pookunhikoya,
Workcharged Driver,
Office of the Assistant Engineer (Civil),
Lakshadweep Public Works Department,
Androth Island,
Union Territory of Lakshadweep.

...Applicant

By Advocate Mr Shafik M.A.

Vs.

1. Superintending Engineer,
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Kavaratti.
2. The Administrator,
Union Territory of Lakshadweep, Kavaratti.
3. N.P. Hyder Ali, Neelattupura,
Androth, Union Territory of Lakshadweep.

...Respondents

By Advocate Mr S. Radhakrishnan for R 1 & 2.

By Advocate Mr M.R. Rajendran Nair for R-3.

The application having been heard on 24.6.98, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant who was working as a Work Charged Driver in the Office of the Assistant Engineer (Civil), Lakshadweep Public Works Department, Androth Island, submits that he was called for an interview and skilled test for the post of Mechanic. However, though he possesses experience as a Skilled Mechanic having worked in the Army, as seen from A-2 Certificate of Technical Proficiency, he was not selected and appointed for the post. Instead the 3rd respondent was appointed to the post by direct recruitment. According to the Recruitment Rules, the post of Mechanic is to be filled by promotion,

failing which by direct recruitment, and the applicant who was in the feeder category for promotion was rejected on the ground that he did not possess enough experience as a Mechanic. Applicant challenges the appointment of 3rd respondent to the post of Mechanic by direct recruitment without declaring the result of the selection for promotion and prays for a direction to the respondents 1 & 2 to make appointment to the post of Mechanic on the basis of selection conducted on 19.11.93.

2. The third respondent contends that his selection and appointment are in accordance with the rules in force. Respondents 1 & 2 submit that the applicant did not have the proper qualification.

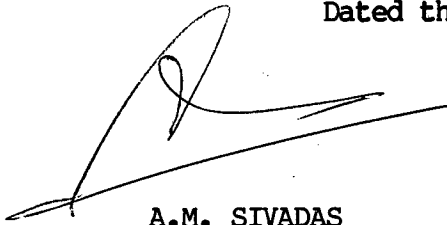
3. However, when the application came up for hearing, learned counsel for the applicant produced the order dated 24.7.97 according to which the applicant has been promoted and posted as a Mechanic. The prayer of the applicant has, therefore, been conceded by Respondents 1 & 2.

4. Learned counsel for the applicant, however, submitted that since he had been promoted by the order dated 24.7.97 as a Mechanic without any further test or selection process, it must be deemed that he was fit for promotion even at the time of the original selection held on 19.11.93 and, therefore, he is eligible to be promoted with effect from 19.11.93. This contention has not been raised in the Original Application. However, learned counsel for the applicant submits that he may be permitted to take up the matter with the departmental authorities. He is permitted to do so. Applicant may submit a representation before the 2nd respondent in this behalf within one month from today. If such a representation is made, the

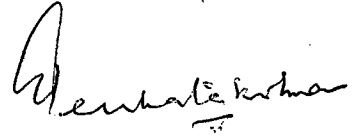
2nd respondent shall consider the same and pass appropriate orders within three months from the date of receipt of representation.

5. Application is disposed of as aforesaid. No costs.

Dated the 24th of June, 1998.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

LIST OF ANNEXURE

1. Annexure A2: Certificate of Technical Proficiency of the applicant dated 30.1.1973, issued by Headquarters 2 Signal Centre, Panaji, Goa.

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