

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dated, the 11th October, 1993.

CORAM

THE HON'BLE MR N DHARMADAN, JUDICIAL MEMBER
&
THE HON'BLE MR S KASIPANDIAN, ADMINISTRATIVE MEMBER

O.A.No.382/93

NM Thankan

- Applicant

M/s MR Rajendran Nair &
C Harikrishnan

- Advocate for
applicant

v.

1. The Sub Divisional Officer,
Telegraphs, Chethalai.
2. The Telecom District Manager,
Alappuzha.
3. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi.

- Respondents

Mr M Gopalan, ACGSC

- Advocate for
respondents

JUDGEMENT

N DHARMADAN, JUDICIAL MEMBER

The applicant is a Lineman working under the respondents 1&2. He is aggrieved by the delay in disposal of his representation and consequent denial of notional appointment as a Lineman with effect from the date of completion of his training in pursuance of the selection and deputation on training as indicated in Annexure-I order dated 11.3.1980.

2. ⁴⁸ The similarly situated persons, whose selection was illegally cancelled, approached the High Court and

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obtained judgement and they were granted the benefit of notional appointment from the date of their original selection and deputation for the training as per Annexure-I. The order of cancellation of selection was also set aside.

3. Applicant is at Sl.No.18 in Annexure-I and he has filed Annexure-IV representation on 19.9.1992 before the second respondent after the judgement of this Tribunal in OA-117/88 and OA-688/90 and similar cases referred to in the last paragraph of the representation. According to the applicant, he is similarly situated like the applicants who filed earlier OAs and got declaration that they are entitled to get notional appointment as Linemen w.e.f. 9.12.1981 and 27.8.1981 the date on which they have been appointed as Linemen.

4. Since the applicant's assertion that he is entitled to the benefit of notional promotion with effect from 1980 in the light of the decision of this Tribunal is not denied by respondents, we are of the view that the application can be allowed. But we are not passing final orders in view of the fact that the representation filed by the applicant is pending before the second respondent, who may examine the claim of the applicant that he is similarly situated like the applicants in the earlier cases and pass appropriate orders in accordance with law.

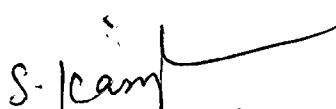
5. We have also heard the learned counsel for respondents. He was no objection in disposing of the

application with appropriate direction after accepting the submission made by the learned counsel for applicant. Accordingly, we have decided that this application can be disposed of with appropriate directions as indicated above.

6. The second respondent is bound to examine and consider the claim of the applicant in the light of the earlier judgement after making proper verification of the facts stated by the applicant. If the applicant is similarly situated like the applicants, ^{in this case} the benefit of declaration made by this Tribunal in OA-702/90 is available to him and the second respondent shall pass appropriate orders on that basis. He shall comply with the above direction within a period of three months from the date of receipt of a copy of this judgement.

7. The O.A. is disposed of as above. No costs.

Dated, the 11th October, 1993.


(S KASIPANDIAN)

ADMINISTRATIVE MEMBER


(N DHARMADAN) 11.10.93
JUDICIAL MEMBER

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List of Annexure

1. Annexure-I : True copy of the Memo No.E-2/MML/79-80/34 dated 11.3.1980.
2. Annexure-IV : True copy of the representation dated 19.9.1992 of the applicant.