

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION:

06-12-1989

PRESENT

HON'BLE SHRI S.P. MUKERJI-VICE CHAIRMAN
&
HON'BLE SHRI A.V. HARIDASAN-JUDICIAL MEMBER

ORIGINAL APPLICATION NO.393/89

R. Narasimhan .. Applicant

Vs.

1. Union of India, represented
by the Secretary,
Ministry of Communications,
New Delhi.

2. Senior Superintendent,
RMS TV Division, Trivandrum.

3. Director of Postal Services(HQ),
Kerala Circle, Trivandrum-35.

Respondents

Counsel for the applicant .. Mr. M.K. Damodaran
and CT Ravikumar, KS.Saira

Counsel for the respondents .. Mr.TPM Ibrahim Khan,
Addl.Central Govt.Standing
Counsel.

O R D E R
(Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both the
parties and have gone through the documents carefully.

In this application the applicant has sought two reliefs.

Firstly, he prays that the offending part of the impugned
order dated 4.7.88 at Annexure-1 which indicates that
his seniority in the higher grade would be determined
on the basis of the date of promotion, should be set aside
as he claims that he should have been promoted to the
higher grade when he completed 16 years of service in
the lower grade in 1981. Under the scheme of time bound

promotion he was thus entitled to promotion on 30.11.1983.

He was not considered for promotion because some disciplinary proceedings were under way at that time which ultimately concluded in reduction of his pay for a period of one year.

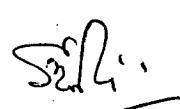
The other relief claimed in the application is against the impugned order dated 9.9.87 at Annexure-III by which the disciplinary authority directed that the period between the date of dismissal and the date of reinstatement i.e., between 24.5.85 and 3.5.87 would be treated as duty for the purpose of pension only and pay and allowance during this period will be limited to the subsistence allowance.

2. Since the second relief has nothing to do with the question of his seniority and promotion to the higher grade in 1983 as claimed by him, this application cannot be entertained in the present form because of the defect of plurality of remedies. The learned counsel for the applicant prays that the admission of this application should be considered by deleting the second relief. In that case the relief claimed against Annexure-I which is dated 4.7.88 would not be time barred and the question of condonation of delay as prayed for in the M.P.No.619/89 would not arise. The learned counsel for the applicant indicated that the applicant has not made any representation to the competent

authority against the impugned order dated 4th July, 1988 at Annexure-I. His contention that there is no statutory provision for making such a representation ~~could~~ ^{can} not be accepted because Sub-Rule (4) of Rule 23 of C.C.S(CCA)Rules amply provides for an appeal to the competent authority against this order which according to him denies him the appropriate seniority and promotion to the higher grade. In the facts and circumstances we dispose of this application with the direction that the applicant if so advised may file a representation against the impugned order dated 4th July, 1988 at Annexure-I, to the respondent No.3 within a period of one month from the date of communication of this order and the respondents are directed to dispose of the representation after condoning the delay, if there is any, within a period of three months from the date of receipt of the representation, in accordance with law. The applicant will be at liberty to seek redress if so advised, from appropriate forum if he feels aggrieved by the outcome of his representation. We also make it clear that deletion of the second relief will not in any manner prejudice the applicant from ^{Seeking} taking redress in accordance with law from the appropriate forum. There will be no order as to costs.



(A.V. HARIDASAN)
JUDICIAL MEMBER



(S.P. MUKERJI)
VICE CHAIRMAN

06-12-89

SN.