

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 394 / 2004

Monday this the 16th day of October, 2006

CORAM :

**HON'BLE Mr. K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

C.N.Bi
Woman Head Constable
Airport Security
Agatti Airport, UT of Laskhadweep
Residing at : "Adana Illom", Agatti Island
UT of Lakshadweep : Applicant

(By Advocate Mr. N.Nagaresh)

Versus

1. Union of India represented by Secretary
Ministry of Home Affairs, New Delhi
2. The Administrator (Inspector General of Police)
UT of Lakshadweep, Kavaratti
3. The Superintendent of Police
UP of Lakshadweep, Kavaratti : Respondents

(By Advocate Mr. P.R.Ramachandra Menon (R2-3))

The application having been heard on 16.10.2006, the
Tribunal on the same day delivered the following :

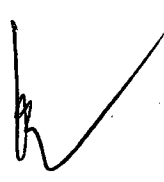
ORDER

HON'BLE Mr. K.B.S.RAJAN, JUDICIAL MEMBER

The applicant through this Original Application has prayed for
the following reliefs:-

i, To call for the records relating to Annexure
A-1 and A-5 and to delcare that the applicant is
entitled to get her service as Woman Head Constable
regularised with effect from the date of Annexure A-4
immediately;

ii, To direct the respondents to regularise the
service of the applicant as Woman Head Constable,
with effect from 3.11.1997, the date of Annexure A-4,
and to consider her for further promotion to the post
of ASI, immediately;



iii. To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case.

2. The applicant was originally appointed as Woman Police Constable in 1989. The next promotional post is Woman Head Constable for which the qualification is 8 years regular service as Woman Constable and pass in 'Station Writers' test and 'Head Constable' test. Nevertheless, by Annexure A-4 order dated 03.11.1997 the applicant was promoted on ad-hoc basis as Woman Police Constable with a clear stipulation that the same will not confer on her any claim for regular appointment, seniority, confirmation etc. in the grade.

3. The claim of the applicant is that vide Annexure A-4 since it has been stated therein that the applicant is 'qualified' for promotion to the rank of Woman Head Constable, it must be implied that apart from experience whatever other requirements were there, the same have been waived in her case and in that event she should have been considered for regular promotion as Woman Head Constable. This claim of the applicant cannot be accepted, for, when the requirements as of the Recruitment Rules is pass in the Station Writers test and Head Constable test relaxation of the same cannot but be in accordance with Rule 5 of the Recruitment Rules which reads as under :-

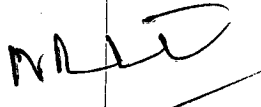
Power to relax: Where the Administrator, U.T of Lakshadweep is of the opinion that it is necessary or expedient to do so, he may, by order for reasons to



be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons, except rule 4 of this rule.

4. In the absence of specific order for reasons to be recorded in writing, there cannot be a presumption that in the case of applicant, the rules have been relaxed. In view of the above, applicant could not make out a case and accordingly the OA is dismissed. No costs.

Dated, the 16th October, 2006.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.B.S.RAJAN
JUDICIAL MEMBER

VS