

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.397 of 2000.

Monday this the 17th April 2000.

CORAM:

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K. Chandrasekharan,  
Stenographer Grade-III,  
Collectorate,  
Union Territory of Lakshadweep,  
Kavaratti. Applicant

(By Advocate Shri. M.V. Thampan)

Vs.

1. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.
2. The Collector-cum-Development  
Commissioner,  
Union Territory of Lakshadweep,  
Kavaratti.
3. Union of India represented by  
the Secretary to the Government,  
Ministry of Home Affairs,  
New Delhi.
4. P.K.M. Kutty,  
Stenographer Grade II,  
working as Confidential Assistant  
in the office of the Administrator,  
Union Territory of Lakshadweep,  
Kavaratti. Respondents

(By Advocate Shri. S. Radhakrishnan, ACGSC(rep)).

(The application having been heard on 17th April 2000  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The O.A. is directed against the A7 order dated  
10.11.97 circulating the seniority list in which the 4th  
respondent has been placed above the applicant, the order.

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dated 13.8.99(A8) by which the 4th respondent has been given promotion with effect from 18.7.91 as Steno Gr.II and the order dated 13.8.99(A9) by which the applicant has been reverted from the post of Steno Gr.II to that of Steno Gr. III consequent on the promotion of one Smt. Sarojini, Steno Gr.III as Steno Gr. II .

2. As the O.A. has been presented only on 27.2.2000, the applicant has filed M.A. No. 544/2000 for condonation of delay in filing the O.A. That M.A. has been dismissed by us. Therefore, the challenge against A7 order can not be entertained.

3. The next order under challenge Annexure A8 is one by which the 4th respondent has been given retrospective promotion with effect from 18.7.91. Since, the respondent No.4 being senior to the applicant even according to Annexure A7, which having not been challenged in time, has become final. Therefore, the applicant cannot challenge the retrospective promotion for the applicant is no way affected by that. The last order under challenge Annexure A9 reverting the applicant has been passed as an unavoidable consequence of regular promotion of Smt. Sarojini who is admittedly senior to the applicant. The applicant who was promoted on ad hoc basis has to be reverted on regular promotion of Smt. Sarojini. The applicant has no case that any junior is promoted on adhoc basis.

In the light of what is stated above, the O.A. is rejected under Section 19(3) of the Administrative Tribunals'Act, 1985.

Dated the 17th April 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

List of Annexures referred to in the order:

Annexure A7: True copy of Office Memo F.No. 19/2/83-SS(CC) (3)  
dated 10.11.97 issued by the 1st respondent.

Annexure A8: True copy of Office Order F.No. 12/23/97-Services (1)  
dated 13.8.99 issued by the 1st respondent.

Annexure A9: True copy of Office Order F.No. 12/23/97-Services(4)  
dated 13.8.99 issued by the 1st respondent.