

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 40  
T. A. No.

1990

DATE OF DECISION 13.7.90

M Arumugham Applicant (s)

K R B Kaimal Advocate for the Applicant (s)

Versus

UOI rep. by Secretary, Ministry of Respondent (s)  
Communications, New Delhi & others

TPM Ibrahim Khan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. Hon'ble Shri N. V. Krishnan, Administrative Member

The Hon'ble Mr. Hon'ble Shri N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Hon'ble Shri N. V. Krishnan, Administrative Member

promoted to

The applicant has been selected and the Group 'B' post in the Postal Department vide Annexure A-3 order.

His name is at Sl. No. 298. His complaint is that respondent-3, another official listed at Sl. No. 299, Shri Chokkalingam/ has been appointed to the Group-B post by Annexure A-1 order dated 30.11.89 and that, in addition, two other persons Mr. K. M. Sankaran and D. Sekhara Sarma, the respondents 4 and 5 have also been appointed to Group-B posts by Annexure A-2 order. His grievance is that he is senior to all of them and he should have been appointed at the earliest opportunity so that he could have got

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advantage of higher pay etc. from an earlier date.

2. The respondents 1 & 2 have stated in their counter affidavit that after being selected for promotion to Group-B posts, the officials are required to undergo training, roughly for about seven weeks.

However, there is a provision which states that a person who has only three years left for retirement need not undergo such training and can be appointed straight away to Group-B post. It is stated by them that Respondent No. 3, Shri Chokkalingam, comes in this category and for this reason he was appointed directly by the impugned Annexure A-3 order.

3. As regards the respondents four and five, it is submitted that though they have not been promoted by Annexure A-3 order they have, nevertheless, been appointed to Group-B posts, merely to relieve persons so promoted to undergo training, the persons concerned being Shri P. N. Krishnan Nair, Sl. No. 167 in Annexure A-3 and Shri P. M. Sankaran, Sl. No. 140. It is also stated that the training cannot be given piece-meal to individual officers. Hence, it was necessary to promote persons like those mentioned in Annexure A-2 temporarily to relieve the persons who are sent for training.

4. Having heard the counsel of both parties and perused the records, we are satisfied with the explanation given by the respondents as to why the applicant could not be posted to a Group 'B' post

in place of Respondents 3, 4 and 5. We are also satisfied that the impugned postings of respondents 3, 4 and 5 were required in administrative interest and were not made with a view to deprive the applicant any of his rights.

5. In the circumstances, there is no merit in the application and accordingly we dismiss it.

6. There is no order as to costs.

  
(N. Dharmadan)  
Judicial Member

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(N. V. Krishnan)  
Administrative Member

13.7.90

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