

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.414/92

Friday, this the 19th day of November, 1993.

**SHRI N DHARMADAN, JUDICIAL MEMBER
AND
SHRI S KASIPANDIAN, ADMINISTRATIVE MEMBER**

1. V Yesodhan,
S/o K Veluthakunju, aged 32 years,
Machinist-HS-II,
Naval Ship Repair Yard,
Naval Base, Kochi-4.
2. PV Santhoshkumar,
S/o PC Velayudhan, aged 37 years,
Machinist-HS-II,
Naval Ship Repair Yard,
Naval Base, Kochi-4. - Applicants

By Advocate Shri K Ramakumar

Vs.

1. The Flag Officer Commanding-in-Chief,
Southern Naval Command, Cochin-4.
2. The General Administrative Officer,
Naval Ship Repair Yard,
Naval Base, Kochi-4.
3. Shri K Sivapalan,
Machinist HS-II,
Naval Ship Repair Yard,
Naval Base, Kochi-4. - Respondents

By Advocate Shri Joy George, ACGSC(for R.1&2)

By Advocate Shri MR Rajendran Nair(for R-3)

O R D E R

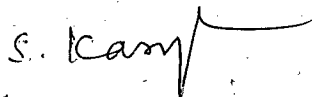
N DHARMADAN, JUDICIAL MEMBER

The applicants are Machinist HS-II. They are aggrieved by the denial of promoion to the next higher grade HS-I, on the basis of the test held on 2nd and 7th Janury, 1992. According to them, they have failed in the examination because of the high marks prescribed for the viva voce and that fixation is illegal and liable to be quashed.

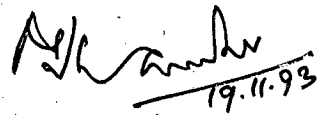
2. When the case was taken up for final hearing, it is seen that the applicants have not challenged that order by which

50% of the marks were allotted to viva voce in the promotion test. The learned counsel for the applicants submitted that he will take up the matter before the first respondent and the application can be closed reserving their rights to file separate OA, after the decision of the first respondent if it is against them, raising all the contentions raised in this case. ²

3. Having heard the learned counsel on both sides, we are satisfied that the prayer of the learned counsel for applicants can be granted. Accordingly, we close this O.A. on the above lines.



(S KASIPANDIAN)
ADMINISTRATIVE MEMBER


19.11.93

(N DHARMADAN)
JUDICIAL MEMBER

TRS