

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01200/2018

Dated Friday the 7th day of September Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

&

HON'BLE MR. P. MADHAVAN, Member (J)

Smt. E. D. Shoba,
W/o, D. Thangaraj,
Plot No. 38, Door No. 8, Jaibharathi Nagar,
II nd Street, Porur,
Chennai 600116.Applicant

By Advocate M/s. M. A. Gouthaman

Vs

1. Government of India rep by its Secretary,
Ministry of Labour & Employment,
Shram Shakthi Bhawan, Rafi Marg,
New Delhi.
2. Under Secretary to the Government of India (CLS-I),
Ministry of Labour & Employment,
Shram Shakthi Bhawan, Rafi Marg,
New Delhi.
3. The Under Secretary, CLS-II (Vigilance),
Government of India,
Ministry of Labour & Employment,
Shram Shakthi Bhawan, Rafi Marg,
New Delhi.
4. The Joint Secretary,
Government of India,
Ministry of Labour & Employment,
Shram Shakthi Bhawan, Rafi Marg,
New Delhi.

5. Government of India, rep by its Secretary,
Ministry of Labour & Employment,
O/o. Deputy Chief Labour Commissioner (Central),
A-Wing, 5th Floor, Shastri Bhawan,
No. 26, Haddows Road, Chennai 600006.Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To direct the Official respondent to rectify and include the applicant name in the Office Memorandum dated 28.08.2018 in F. No. A-31011/06/2017-CLS.I annexed in Annexure 5 and consider the representation of the applicant dated 18.07.2018 to the 4th respondent in Annexure 6 and the representation dated 19.07.2018 in No. M.70/(2)/2014/A1 of the 5th respondent to the 4th respondent in Annexure 7 and to extend all service benefits while inclusion of consideration for promotion and pass such other order as this Hon'ble Tribunal may deem fit and proper in interest of justice and thus render justice."

2. It is submitted that the applicant was promoted to Grade V (JTS) in the Central Labour Service by an order dt. 20.02.2013 and she joined with effect from 26.02.2013. She is eligible to be promoted to the next higher grade after five years of qualifying service. However, when promotion was due and imminent, the authorities issued a charge memo against the applicant relating to an incident alleged to have occurred in the year 2012. It is submitted that the charge was frivolous as there were no complaints in this regard and if there were, action would have been taken at the relevant point of time. The applicant apprehends that the complaints had been engineered in such a manner as to prevent the applicant from being promoted to the next higher post.

3. It is further submitted that the applicant made Annexure A6 representation dt. 18.07.2018 for a convenient posting which remained undecided. As the respondents are in the process of promoting the applicant's juniors and denying promotion to the applicant on the strength of the charge memo which has been challenged in another OA, the applicant seeks permission to make a

representation regarding her promotion to Senior Time Scale which in any case was due from a date prior to the date of issue of the charge memo. It is submitted that the applicant would be satisfied if the respondents are directed to take a decision on the representation within a short time so that the interests of the applicant are not prejudiced.

4. Mr. M. Kishore Kumar takes notice for the respondents.
5. Keeping in view the limited relief sought and without going into the substantive merits of the case, we are of the view that this OA could be disposed of with permission to the applicant to make a representation to the competent authority regarding her grievance within a period of one week from today. On receipt of such representation, the competent authority shall decide the same in accordance with law and pass a reasoned and speaking order under intimation to the applicant within a period of two weeks thereafter.
6. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

07.09.2018

SKSI