

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT of LAKSHADWEEP**

Original Application No.181/00808/2017

Thursday, this the 28th day of February, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

B.B.Muthukoya,
S/o.Sayed Buhari,
Belutheth Bidumkat (H),
Androth, Lakshadweep.
Working as Deputy Surveyor,
Kiltan, Lakshadweep.

...Applicant

(By Advocate – Mr.Asok M Cherian)

v e r s u s

1. Deputy Collector,
Head Quarters,
Union Territory of Lakshadweep,
Kavaratti – 682 555.

2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti – 682 555.

...Respondents

(By Advocates Mr.S.Manu)

This Original Application having been heard on 16th February 2019,
the Tribunal on 28th February 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

O.A.No.181/808/2017 is filed by Shri.B.B.Muthukoya for promotion
having been denied on the ground that he did not succeed in the Revenue
test prescribed under the Recruitment Rules. He assails orders at Annexure
A-5 under which an examination has been prescribed for candidates who
seek promotion as Revenue Inspector.

2. The applicant had entered service as Deputy Surveyor on 4.3.1996. The Laccadive Minicoy and Amini Island (Recruitment to Technical Post in Survey Department) Rules, 1968 had laid down that the criteria for promotion from the post of Deputy Surveyor to Revenue Inspector was 5 years regular service and the applicant had been eligible for promotion as on 5.3.2001. A copy of the said Rules is at Annexure A-2. The same was revised in 2003 as the Lakshadweep Administration Revenue and Survey Department (Group C & D posts) Recruitment Rules, 2003 specifying that a five member Departmental Promotion Committee will consider and decide the selection to Revenue Inspectors. Here also a Deputy Surveyor who has at least 5 years of regular service would qualify for promotion (Annexure A-3). On 12.4.2011 the respondent Administration issued another notification as Lakshadweep Administration Revenue, Survey, Department Post (Group B & C) Recruitment Rules, 2011 amending the 2003 Rules and specifying that for promotion as Revenue Inspector eligibility would be decided on the basis of Revenue test to be conducted either by Government of Kerala or Union Territory of Lakshadweep (Annexure A-4). The applicant considers that his eligibility has been abruptly changed by introduction of Annexure A-4. Annexure A-4 also prescribes direct recruitment as another channel of recruitment besides promotion.

3. Thus, the applicant who has more than 20 years of experience as Deputy Surveyor finds that as per the latest Recruitment Rules he has to compete with direct recruit candidates as well to get to the post of Revenue Inspector. More importantly he finds that for promotion a pass in the Revenue test has been made mandatory whereas for direct recruits such a test is not envisaged. Thus, it is seen that the existing employees seeking

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promotion are forced to undergo Revenue test whereas the direct recruit who has to appear for the entrance examination through examination conducted by the private agency does not have to face the Revenue test. It is alleged that this is discriminatory.

4. When the case was finally heard on 16.2.2019, learned Standing Counsel for the Lakshadweep Administration brought to our notice the decisions of this Tribunal in O.A.No.1101/2011 dated 10.7.2012 and O.A.No.350/2012 dated 2.11.2012 wherein the same issue has been considered and the decision of the respondents had been upheld by the Tribunal. The latter decision (O.A.No.350/2012) states as follows :

“2. The respondents placed on record the decision of this Tribunal in O.A.No.1101 of 2011 dated 10th July, 2012, a similar matter disposed of by this Tribunal. It has been held in the said case that amendment of the rules is always under the domain of the Legislative Authority. The ground alleged as against the amendment as violative of the provisions contained in Articles 14 and 16 of the Constitution of India is not convincingly proved by cogent material. Un-disputedly the amendment apply only to the vacancies which arose subsequently. In other words, the benefit accrued is not taken away by the amendment. Prescribing Revenue Test for promotion to the post of Revenue Inspector cannot be said to be arbitrary or illegal. That will only improve the administrative efficacy. The said amendment introduce a new test for the post of Revenue Inspector. Hence, in such circumstances the O.A was dismissed.”

5. We take a identical view in this case well. In view of the above, we conclude that the O.A has no merit and is liable to be dismissed. We proceed to do so. No costs.

(Dated ts the 28th day of February 2019)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.181/00808/2017

- 1. Annexure A1** - A true copy of the order dated 4.3.1996 issued by the 1st respondent in connection with the appointment of the applicant.
 - 2. Annexure A2** – A true copy of the Laccadive Minicoy and Amini Island (Recruitment to Technical Post in Survey Department) Rules, 1968.
 - 3. Annexure A3** – A true copy of the Lakshadweep Administration Revenue and Survey Department (Group C & D posts) Recruitment Rules, 2003.
 - 4. Annexure A4** - A true copy of the Lakshadweep Administration Revenue, Survey, Department Post (Group B & C) Recruitment Rules, 2011.
 - 5. Annexure A5** - A true copy of the Circular No.F.No.1/11/2012-LR dated 1/6/2017 issued by Deputy Collector, Union Territory of Lakshadweep.
 - 6. Annexure A6** - A true copy of the check list dated 22.9.2017 issued by the 1st respondent.
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