

Shaju C Maprani, Plater (Hs) Vs. Vice Admiral K.N. Sushil, the Flag Officer Commanding in Chief, Southern Naval Commandant, Cochin and Another

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Court : Central Administrative Tribunal CAT Ernakulam

Decided On : Feb-15-2010

Judge : Honourable Mr. George Paracken, Judicial Member & Honourable Mr. K. George Joseph, Administrative Member

Appeal No. : C.P.(C) No. 106 of 2009 IN O.A. No. 149 of 2008

Appellant : Shaju C Maprani, Plater (Hs)

Respondent : Vice Admiral K.N. Sushil, the Flag Officer Commanding in Chief, Southern Naval Commandant, Cochin and

Advocate for Pet/Ap. : For the Petitioner: Mr. C.S.G. Nair, Advocate. For the Respondents: Mr. Sunil Jacob Jose, SCGSC.

Judgement :

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

This Contempt Petition has been filed for the alleged non- implementation of the order of this Tribunal dated 18.3.2009 in OA 149/08. The operative part of the said order was as under: - 11. In view of the above facts and circumstances, we partially allow this OA and accordingly quash and set aside the Annexures A-8 letter dated 18.12.2007 and Annexure A-9 letter dated 28.01.2008 to the extend that the General Note in respect of the Trade 'Plater' has been added to the

Enclosure II of the Annexure A-5 letter dated 04.08.2006 making it " applicable for workers in NSRY (K) and NC (V) only." So long as the said "General Note " remains not applicable to other Commands the Annexure A-10 letter dated 15.03.2008 is also quashed and set aside. The respondents shall reconsider the Annexure A-6 and the Annexure A-7 representations of the Applicant dated 09.10.2007 and 16.11.2007 respectively and to take appropriate decision on his prayer to consider him " for promotion as Plater (HS) against the existing vacancy within a stipulated period" and communicate the same to him within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

2. The respondents have filed an affidavit stating that they are ready to implement the aforesaid order but they are not in a position to do so only because there was a stay on the operation of the trade in which the petitioner belongs to, in O.A.187/09 - K. Earnest Johnson and Ors. Vs. Union of India and Ors.

3. We have heard Shri. C.S.G. Nair for the petitioner and Shri. Sunil Jacob Jose, SCGSC for the respondents. The aforesaid OA 187/09 has since been disposed of today by a separate order. It is seen that the applicants in that case are Sheet Metal Workers whereas the petitioner is only Plater (HS) and the merger of these two posts came at the stage of Charge man-II and not at the stage of Highly Skilled category. As the final order passed today in the said OA does not affect the case of the petitioner herein, we make it clear that the stay granted in OA 187/09 shall not operate as an impediment for the respondents in implementing the order of this Tribunal in OA 149/08 any more. The respondents shall, therefore, give effect to the same without any further delay.

4. With the aforesaid direction, this CPC is closed. There shall be no order as to costs.

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