

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP

Original Application Nos.181/00546/2017&
181/619/2017

Saturday, this the 14th day of December, 2019

HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

O.A 181/546/2017:

1. Hussain Ali.P
Age 29 years
S/o.Siraj Pathada
Pallam House
Kadmat Island – 682 556
U.T of Lakshadweep
 2. Abdul Mujeeb.P, aged 32 years
S/o.Siraj Pathada
Pallam House
Kadmat Island – 682 556
U.T of Lakshadweep
- Applicants

(By Advocate – Mr.Saiby Jose Kidangoor)

V e r s u s

- 1 The Director (Agriculture)
Directorate of Agriculture
Kavarathi Island
U.T of Lakshadweep – 682 555
 2. The Administrator of Lakshadweep
Union Territory of Lakshadweep
Kavaratti Island – 682 555
- Respondents

(By Advocate – Mr.S.Manu)

O.A 181/619/2017 :

Ashik K.P

Age 29 years

S/o.Siraj Pathada

Kattampalli House

Kadmat Island – 682 556

U.T of Lakshadweep

..... **Applicant**

(By Advocate – Mr.Saiby Jose Kidangoor & Mr.Mohammed Salih P.M)

V e r s u s

1 The Director (Agriculture)
 Directorate of Agriculture
 Kavarathi Island
 U.T of Lakshadweep – 682 555

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

..... **Respondents**

(By Advocate – Mr.S.Manu)

This Original Application having been heard on
14.12.2019, the Tribunal on the same day delivered the
following:

O R D E R (ORAL)

JUSTICE L.NARASIMHA REDDY, CHAIRMAN

By this common order, we propose to dispose of OA Nos.546/2017 & OA No.619/2017, as the common questions of facts and law are involved in them.

2. The Director of Agriculture, Administration of Union Territory of Lakshadweep, issued Employment Notice dated 28.12.2012 (Annexure A/1) inviting applications for selection and appointment of two Agricultural Fieldman in PB-1, in the pay scale of Rs.5200-20500 with Grade Pay of Rs.1900.

3. The applicants and various others responded. The respondents have also published a check list on 18.12.2013 (Annexure A/2). However, the respondents did not proceed with the selection process on the ground that the certificates filed by many of the candidates were found to be not genuine.

4. OA No.546/2017 is filed with a prayer to direct the respondents to proceed with the selection process in pursuance of Annexure A/1, and to complete the same within a stipulated time period. The applicants contend that once they have been put in select list, there are no basis for the respondents in not proceeding with the selection.

5. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the qualifications stipulated

for the post is plus 2 or equivalent, with certificate (Higher) Course in agriculture/horticulture with one or two years duration from an Institute recognized by the Board of Technical Education/Central/State/UT Government, and though the plus 2 certificates were found to be in order, the certificate courses in agricultural science/horticulture filed by many candidates were found to be not genuine at all. It is stated that every effort was made to find out the duration and nature of the course as well as the credibility of the institutions, but nothing was forthcoming. It is stated that left with no alternative, the selection process initiated through Employment Notice dated 28.12.2012 was given up, and a fresh Notice was issued on 28.06.2017.

6. OA No.619/2017 is filed challenging the fresh Employment Notice dated 28.06.2017. The applicants contend that once there exists a notification, issued on 28.12.2012 for the very post, there is absolutely no justification for the respondents in issuing the fresh Notice. It is stated that on account of the time gap between these two notifications, many candidates are likely to become over aged. Other grounds are also pleaded.

7. The respondents filed counter affidavit virtually reiterating the contentions of the counter affidavit filed in OA No.546/2017. It is stated that an attempt is made to plug

the loop holes that existed in the earlier selection process, and that the OA is devoid of merit.

8. We heard Mr. Mohammed Salih P.M. learned counsel for the applicant and Shri S. Manu, Learned Senior Standing Counsel for the Lakshadweep Administration.

9. The Notification issued on 28.12.2012 prescribed the qualifications for the post of Agricultural Fieldman as under:-

“Eligible Local Candidates having following educational qualifications: Plus Two or equivalent with Certificate (Higher) course in Agriculture Science/Horticulture of one or two years duration from an institute recognized by the board of Technical Education of Central/State/UT Government. The age of candidates should be between 18 and 25 years on 31.01.2013 (relaxable for Govt. Servant and other specialized categories of person in the accordance with the orders issued by Govt. of India).”

The certificate course was required to be in the Agricultural Science/Horticulture from an Institute, recognized by a Board of Technical Education of Central, State or Union Territory of Lakshadweep. Quite large number of applications were received, and a check list of more than 100 candidates was prepared. The names of the applicants figured therein. According to the respondents, out of 113 applications received, only 21 persons submitted certificates of higher course in Agriculture with the duration as specified in the recruitment rules, whereas 24 candidates have filed certificates of higher course in Agriculture without any

specific duration. Remaining 68 candidates are said to have not filed any certificate of that nature at all.

10. On scrutiny of the certificates filed by the candidates, it emerged that most of them were from the same Institute in Tamil Nadu and the respondents undertook correspondence with that Institute to know the authenticity of the course duration thereof, and the other particulars of the course. However, nothing in that regard was forthcoming. It is also stated that in certain replies, the required information was not furnished at all. Faced with that situation, the respondents wanted to abandon the selection process and to issue a fresh notification. It is in this context that fresh notification was issued on 28.06.2017. The selection process was completely changed and it is proposed to conduct a written test, and only such of the candidates who possessed the prescribed qualifications are to be permitted in the written test. The respondents want to remove the deficiencies which were noticed in the earlier selection process.

11. We do not find any merit in both the OAs. They are accordingly dismissed. All ancillary applications shall stand disposed of. There shall be no order as to costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

List of Annexures

O.A 546/2017

Annexure A-1 - True copy of the Employment Notice issued by 1st respondent dated 28.12.2012

Annexure A-2 - True copy of Check List published by 1st respondent dated 18.12.2013

Annexure A-3 - A true copy of the representation given by 1st applicant to 2nd respondent dated 12.12.2015.

Annexure R1(a) - True copy of the objection dated 1/1/2014.

Annexure R1(b) - True copy of the objection dated 2/1/2014.

Annexure R1(c) - True copy of the objection dated 30.12.2013.

Annexure R1(d) - True copy of the objection dated 19/1/2013

Annexure R1(e) - True copy of the objection dated 19.1.13.

Annexure R1(f) - True copy of the letter F.No.02/01/2011-Agri(2)/139 seeking clarification issued by the Department dated 13.6.2013.

Annexure R1(g) - True copy of the letter F.No.2/1/2011-Agri(4)/145 seeking clarification issued by the Department dated 13.6.2013.

Annexure R1(h) - True copy of the letter F.No.2/1/2011-Agri(1)/138 seeking clarification issued by the Department dated 13.6.2013.

Annexure R1(i) - True copy of the letter F.No.2/1/2011-Agri(3)/140 seeking clarification issued by the Department dated 12.6.2013.

Annexure R1(j) - The reminder letter F.No.02/01/2011-Agri(4)/194 issued by department dated 7.8.13.

Annexure R1(k) - The reminder F.No.02/01/2011 Agri(3)/193 issued by department dated 7.8.13.

Annexure R1(l) - The reminder F.No.02/01/2011 Agri(2)/192 issued by department dated 7.8.2013.

Annexure R1(m) - The reminder F.No.02/01/2011-Agri(1)/191 issued by department dated 7.8.2013.

Annexure R1(n) - True copy of the letter dated 2.9.13 from NEXPRO Institute

Annexure R1(o) - True copy of the letter dated nil from Chairman Technical Education Training Centre Kollam

Annexure R1(p) - True copy of the letter dated 19.3.14 of Additional Secretary (TECH) Directorate of Government Examination, Chennai

Annexure R1(q) - True copy of the letter dated 8.5.15 sent to the Additional Secretary, Directorate of Government Examination, Chennai.

O.A No.619/2017

Annexure A-1 - True copy of the Employment Notice issued by 1st respondent dated 28.12.2012

Annexure A2 - True copy of the recruitment rule dated 28.4.2007

Annexure A3 - True copy of Check List published by 1st respondent dated 18.12.2013

Annexure A4 - True copy of the employment notice F.No.01/7/2017-Agri/887 dated 28.6.2017.

Annexure R1(a) - True copies of the objection dated 1/1/2014 by Mohammed Shareef A.K

Annexure R1(b) - True copies of the objection dated 2/1/2014 by Fasna Mol.A

Annexure R1(c) - True copies of the objection dated 30.12.2013 by Rahmathulla M.C

Annexure R1(d) - True copies of the objection dated 19/1/2013 by jamal

Annexure R1(e) - True copies of the objection dated 19.1.13 by Fayas Khan B.M

Annexure R1(f) - True copies of the letter F.No.02/01/2011 (Agr 2) dated 13.6.2013 seeking clarification issued by the Department

- Annexure R1(g) - True copies of the letter F.No.02/01/2011(Agr 4) dated 13.6.2013 seeking clarification issued by the Department
- Annexure R1(h) - True copies of the letter F.No.02/01/2011 (Agr 1) dated 13.6.2013 seeking clarification issued by the Department
- Annexure R1(i) - True copies of the letter F.No.02/01/2011 (Agr 3) dated 12.6.2013 seeking clarification issued by the Department
- Annexure R1(j) - The reminder letter F.No.02/01/2011 (Agr 4) dated 7.8.13 issued to the institutions
- Annexure R1(k) - The reminder F.No.02/01/2011 (Agr 3) dated 7.8.13 issued to the institutions
- Annexure R1(l) - The reminder F.No.02/01/2011 (Agr 2) dated 7.8.13 issued to the institutions
- Annexure R1(m) - The reminder F.No.02/01/2011 (Agr 1) dated 7.8.13 issued to the Institutions
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- Annexure R1(o) - True copy of the letter dated nil from Chairman Technical Education Training Centre Kollam
- Annexure R1(p) - True copy of the letter dated 19.3.14 of Additional Secretary (TECH) Directorate of Government Examination, Chennai
- Annexure R1(q) - True copy of the letter dated 8.5.14 sent to the Additional Secretary, Directorate of Government Examination, Chennai.///