

CENTRAL ADMINISTRATIVE TRIBUNAL

**ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP**

Original Application No.181/00582/2017

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**

Imaduddeen K.P, aged 25 years
S/o.Tippu Sultan M.V
Kunhippuvakkada House
Kalpeni Island
Union Territory of Lakshadweep – 682 557 **Applicant**

(By Advocate – Mr.Aysha Rahman for Mr.T.N.Sreekala)

V e r s u s

- 1 The Administrator
Union Territory of Lakshadweep (Secretariat)
Kavaratti – 682 555
2. The Secretary (Services)
Union Territory of Lakshadweep (Secretariat)
Kavaratti -682 555
3. The Director (Services)
Union Territory of Lakshadweep (Secretariat)
Kavaratti-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:

ORDER (ORAL)

Per: MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN

The respondents issued a circular dated 9.11.2009
proposing to fill up 63 posts of Multi Skilled Employees (MSE) in
the pay scale of Rs.5200-20200 with Grade Pay of Rs.1800/-.
The qualification stipulated for the post was matriculation or

equivalent and consideration was restricted to local candidates. Some posts were reserved for ex-serviceman. The applicant states that educational certificates of some of the candidates reflected marks, in respect of others including him, it was in terms of grades and without undertaking proper evaluation, the respondents prepared a check list wherein the applicant figured far below. A representation is said to have been made in this behalf. The grievance of the applicant is that the representation has not been considered at all.

2. This Original Application is filed with a prayer to direct the respondents to consider the representation filed as Annexure A/6, and to take necessary steps in accordance with law.

3. The respondents filed a counter affidavit opposing the OA. It is stated that a list of provisionally selected candidates/the check list was published in the year 2009 and though objections were invited for the check list, the applicant did not submit any such objection at all. It is stated that the selected candidates were issued offers of appointment in the year 2010 and ultimately the orders of appointment were also issued on 5.6.2018. It is also pleaded that the applicant did not implead the selected candidates.

4. Obviously, by taking into account, the plea raised by the respondents about limitation, the applicant filed M.A 1095/2017 with a prayer to condone the delay of 174 days in filing the Original Application.

5. We heard Ms.Aysha Rahman representing Mrs.Sreekala T.N, learned counsel for the applicant and Mr.S.Manu, learned counsel for the respondents.

6. First we propose to deal with M.A No.1095/2017. The delay, according to the applicant, is 174 days. Learned counsel for the respondents submits that the selection process was taken up in the year 2009 itself and if counted from that date, the delay is for years together. Without entering into the technical issues, we condone the delay for the benefit of the applicant.

7. Now the matter needs to be considered on merits. The selection process was initiated in the year 2009. A check list was prepared taking into account the marks obtained by the candidates and the name of the applicant figured far below. Though objections were called for, the applicant did not

respond. Long thereafter that she filed the representation, Annexure A-6.

8. We would have considered the feasibility of directing the respondents to examine the representation contained in Annexure A-6, but for the fact that the selection process was completed long back and the successful candidates were also appointed in the year 2013. For the reasons best known to him, the applicant did not implead the selected candidates. No relief can be granted to the applicant unless the selections of the candidates or at least one of them is set aside. Even on merits, the applicant is not able to point out as to how the selection is vitiated.

9. We do not find any merit in the O.A. It is accordingly dismissed. There shall be no order as to costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

List of Annexures

Annexure A-1 - True copy of Employment notification F.No.20/06/2009-Estt(2) dated 9.11.2009

Annexure A-2 - True copy of SSLC marklist of the applicant bearing registration number 284235 issued in March, 2007

Annexure A-3 - True copy of the Rank list dated 10.6.2010

Annexure A-4 - True copy of the Order No.Ex/CGI(1)65001/2003/CGE dated 5.10.2013 issued by the Kerala Government

Annexure A-5 - True copy of the Order bearing F.No.20/06/2009-Estt(Vol.II)/2269 dated 23.7.2015 issued by 3rd respondent

Annexure A6 - True copy of the appeal memorandum dated 31.8.2015

Annexure A-7 - True copy of appeal reminder dated 9.5.2016

Annexure A8 - True copy of representation dated 19.6.2017

Annexure A9 - True copy of the judgment dated 12.1.2017 in O.A No.56/2016 passed by this Tribunal

Annexure R1(a) - True copy of notice published in page 3 of the Lakshadweep Times dated 12.3.2010, regarding the checklist for Multi Skilled Employees (Common Cadre)

Annexure R1(b) - True copy of the select list for general category published as per notice F.No.20/6/2009-Estt(Col.II)(1) dated 10.6.2010 which was uploaded in the Lakshadweep Administration's website

Annexure R1(c) - True copy of the offer of appointment issued to the first candidate in Annexure R1(b) select list as per office order F.No.20/06/09-Estt.(Vol.II)(1) dated 16.6.2010