

CENTRAL ADMINISTRATIVE TRIBUNAL

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

Original Application No.181/00835/2018

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**

1. Shasir Ali K.,
Aged 28 years,
S/o Alikoya A, Kannam House,
Kavaratti Island,
U.T. of Lakshadweep.
2. Mohammed Ameer MP,
Aged 32 years,
S/o Jamal P.V.P.,
Mayambokkakada House,
Andrott Island,
U.T. of Lakshadweep.
3. Naushad Ali K.P.,
Aged 30 years,
S/o Pookoya L.,
Kannumpura House,
Andrott Island,
U.T. of Lakshadweep.
4. SalmanulFaris M.P.,
Aged 22 years,
S/o Abdul Hameed,
Mullapura House,
Kadmat Island,
U.T. of Lakshadweep. **Applicants**

(By Advocate – Mr.Mohammed Salih P.M)

V e r s u s

1. The Administrator
Union Territory of Lakshadweep
Kavaratti 682 558

2. The Director,
Port, Shipping and Aviation,
Directorate of Post, Shipping and Aviation,
Kavaratti, Lakshadweep – 682 555. **Respondents**

(By Advocate – Mr.S.Manu for Respondents)

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

An Employment Notice dated 10.05.2013 was issued by the Union Territory of Lakshadweep, Port Shipping & Aviation, proposing to fill 40 vacancies of Multi Skilled Employees (MSE) (Technical) in the pay scale of Rs.5200-20500 in the Grade Pay of Rs.1800. This comprises of 22 clear vacancies and 18 anticipated vacancies. Out of the aggregate of 40, 6 were reserved in favour of Ex-Servicemen. The qualifications and other requirements were also mentioned in the notification.

2. In the provisional select list for this purpose, the applicants figured at Sl. Nos.37, 38, 40 & 42. They were not selected and appointed. This OA is filed with a prayer to direct the respondents to appoint the applicants in pursuance of the notification and to take other steps. The

applicants contend that though the respondents have filled substantial number of posts, there existed vacancies, and had they filled the whole vacancies, the applicants would have got a chance of being appointed.

3. The respondents filed counter affidavit opposing the OA. It is stated that as against 40 vacancies, 6 were reserved for Ex-Serviceman, and the applicants could not make it to the merit/select list for the 34 posts. It is stated that they did not exceed any further vacancies and there are no merits in the OA.

4. We heard Shri Mohammed Salih P.M., learned counsel for the applicant and Shri S. Manu, learned counsel for the respondents.

5. The vacancy position is very clear and without any pale of doubt, there existed 22 clear vacancies and 18 anticipated vacancies. Out of this, 6 were earmarked for Ex-Serviceman. The respondents filled all the 38 vacancies, and what remains are only 2 earmarked vacancies for Ex-serviceman. They cannot be diverted to other categories. It is not the case of the applicants that any candidate, who was less meritorious than them, was selected and appointed. As pointed out earlier, they figured at Sl. Nos.37, 38, 40 & 42 in the list.

6. The plea of the applicants is that there are some more vacancies and if they are filled up, they would get a chance.

When the notification itself taken into its hold the anticipated vacancies, the applicants cannot go beyond that, and insisted on the subsequent vacancies to be filled up.

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

**(E.K.BHARAT BHUSHAN) (JUSTICE L.NARASIMHA REDDY)
ADMINISTRATIVE MEMBER CHAIRMAN**

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List of Annexures

Annexure A-1 - True copy of Employment notice dated 10.05.2013.

Annexure A-2 - True copy of merit list dated 03.01.2016.

Annexure A-3 - True copy of office order dated 29.09.2016.

Annexure A-4 - True copy of judgment of the Hon'ble High Court dated 14.02.2017.

Annexure A-5 - True copy of representation dated 04.08.2017.

Annexure A6 - True copy of the order of this Hon'ble Tribunal dated 13.04.2018.

Annexure A7 - True copy of the order of communication dated 6/6/2018

Annexure A8 - True copy of the representation dated 16/7/2018.

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