

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH
NEW DELHI

O.A. NO. 333/1989

DATE OF DECISION : 7.8.1991

K. RAMAN

... APPLICANT

VS.

UNION OF INDIA & OTHERS

... RESPONDENTS

Shri R. L. Sethi, Counsel for the Applicant.

Shri P. H. Ramchandani, Counsel for the Respondents.

CORAM : HON'BLE SHRI G. SREEDHARAN NAIR, V.C. (J)

HON'BLE SHRI S. GURUSANKARAN, MEMBER (A)

.....

JUDGMENT

G. SREEDHARAN NAIR, V.C. (J) :

While the applicant was employed as Executive Engineer with the Dandakaranya Project he was declared surplus and placed at the disposal of the Surplus Cell with effect from 1.2.1988. It is alleged that though the first respondent had recommended to the second respondent, the U.P.S.C., for several good nominations in accordance with the educational qualifications and experience of the applicant, the second respondent without making such nominations ^{and} offered the applicant lower post of Research Officer under the third respondent. It is stated that the representations submitted by the applicant against the same were wrongly rejected. He prays that the second respondent be directed to nominate him against an equivalent post of Senior Research Officer with the third respondent against the vacancy available and advertised in the advertisement dated 27.8.1988.

2. In the reply filed on behalf of the second respondent it is stated that the second respondent is an Advisory Body and has to assess the suitability of the candidates on the basis of the past service record, job content and

duties of the post proposed to be filled up. It is contended that the candidature of the applicant was considered objectively and it was found that having regard to the job content required of the post of the Senior Research Officer he was not suitable and hence his name was not recommended for that post.

3. There is no case for the applicant that it is mandatory that an employee who has been rendered surplus has to be absorbed in a post of the same status. The grievance of the applicant is that though the post of Senior Research Officer was available, which post is an equivalent post to that held by him before becoming surplus, he should have been absorbed in that post. It is evident from the reply filed by the second respondent that the case of the applicant was in fact considered objectively and it was because it was found that having regard to the job content required of the post, that the applicant is not suitable that his name was not recommended for that post. It is also pointed out that one of the essential qualifications for appointment to the post of Senior Research Officer is "Five years experience in field and laboratory investigations/research, evaluation and reporting on geotechnical problems connected with River Valley Projects/major Civil Engineering structure", and that the applicant was not having the same, and even then in relaxation of the aforesaid prescription his candidature was considered. In the circumstances no direction can be issued to the second respondent as prayed for in the application.

The application is dismissed.

7/8/1991
(S. Gurusankaran)
Member (A)

(G. Sreedharan Nair)
Vice Chairman (J)