

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.181/00457/2020**

Tuesday this the 6<sup>th</sup> day of October 2020

**C O R A M :**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

**HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Abdul Raheem U.P, aged 33 years  
S/o.Late Abdul Hayath A.P  
Ummayappada House, Agatti Island  
Lakshadweep

...Applicant

(By Advocate Mr.Aashique Akthar Hajigothi)

**v e r s u s**

1. The Administrator of Lakshadweep  
Kavaratti Island  
Union Territory of Lakshadweep  
Pin code-682 555
2. The Director (Service)  
Secretariat Establishment Section  
Kavaratti Island  
U.T of Lakshadweep, Pin Code 682 555
3. The Secretary (Service)  
Secretariat Establishment Section  
Kavaratti Island  
U.T of Lakshadweep, Pin Code 682 555
4. The Chairman Central Scrutiny Committee  
for Compassionate Appointment  
Kavaratti Island

U.T of Lakshadweep, Pin Code – 682 555

5. The Director Agriculture, Kavaratti Island  
U.T of Lakshadweep, Pin – 682 555

6. Mohammed Abdul Sabith V.K  
Vadakara House, Kavaratti Island  
Lakshadweep, Pin 682 555

7. Abdul Jabbar K.K  
Kaliyammakkada House  
Kadmath Island Lakshadweep, Pin 682 556

....Respondents

(By Advocate : Mr.S.Manu)

This application having been heard through video conference on 6<sup>th</sup> October 2020, this Tribunal on the same day delivered the following :

### **ORDER (ORAL)**

#### **HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

The applicant has applied for compassionate employment on 21.2.2011. As per the final score sheet of the candidates who have requested for appointment on compassionate ground from 1.1.2008 to 31.12.2017, name of the applicant appeared in serial no.65. Candidates up to serial numbers 63 have got appointments. Department of Agriculture had published employment notice on 28.6.2017 for filling up multi skilled employee through open competitive examination for 39 posts and out of which 5% (i.e 2 posts) reserved for compassionate appointment for the dependents of the deceased employees worked under Agriculture department for which no competitive test is required. The post were to be filled on the select list received from

the Director (Services) The candidates in the serial no.1 and serial no.14 of Annexure A1 are the dependents of the deceased employees worked under agriculture department. They have been appointed to common cadre vacancies instead of referring them to agriculture department and due to this inadvertant mistake from the 2<sup>nd</sup> respondent, the chance for appointment of applicant is lost. Hence, he approached this Tribunal praying for the following reliefs:

*"(i) To direct the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents to transfer the appointments of 6<sup>th</sup> and 7<sup>th</sup> respondents to department of agriculture where they have reserved posts for them.*

*(ii) To direct the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents to appoint the applicant to the vacancy that may arise by transferring the 6<sup>th</sup> and 7<sup>th</sup> respondents to the department of Agriculture as he is waiting in the select list for the want of vacancies.*

*(iii) To issue any other appropriate order or directions which this Honorable Tribunal may deem fit and proper in the facts and circumstances of the case.*

*(iv) Award costs incidental to this application."*

2. When the matter came up for consideration, it is found that the applicant's representation at Annexure A-4 is still pending with the respondents and there is no impugned order passed by the respondents. Hence the applicant has no cause of action as of now.

3. **In view of the above, the Original Application is disposed of at the**

**admission stage itself with a direction to the respondents to consider Annexure A-4 representation of the applicant and pass a reasoned and speaking order based on the rules and regulations, within a period of two months from the date of receipt of a copy of this order.**

4. The O.A is disposed of as above. No costs.

**(K.V.EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)**  
**JUDICIAL MEMBER**

**SV**

**List of Annexures**

Annexure A1 - True copy of the relevant pages of the final score sheet issued by the 2<sup>nd</sup> respondent dated 14.11.2018

Annexure A2 - True copy of the Employment notice dated 28.6.2017 issued by 5<sup>th</sup> respondent

Annexure A3 - True copy of the select list of Multi Skilled Employees by 5<sup>th</sup> respondent dated 8.7.2020

Annexure A4 - True copy of the representation submitted by the applicant to the 1<sup>st</sup> respondent dated 6.7.2020.

. . .