CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA Nos.420/2001 & 432/2001

Thursday this the 2nd day of January, 2003.

C O R A M

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, ADMINISTRATIVE MEMBER

OA 420/2001

N.C.Abdul Latheef
Nangathiyathachetta
Nangathiyathachetta House
Amini P.O.,
Lakshadweep (U.T.) Applicant

(By advocate Mr.N.N.Sugunapalan)

Versus

1. Port Officer
Department of Ports
Administration of the Union Territory of
Lakshadweep, Kavarathi P.O.
Lakshadweep.

2. The Administrator
The Administration of the Union Territory
of Lakshadweep, Kavarathy P.O.
Lakshadweep.

3. P.C.Naseer
Puthiya Palliyachetta
Amini Island
Lakshadweep.

4. Union of India rep.by its
Secretary
Ministry of Home Affairs
New Delhi. Respondents.

(By advocate Mr.P.R.Ramachandra Menon for R1-2)

OA 432/2001

1. P.S.Kunhikoya Pattiyasurambi
Puthiyasurambi House
Kadamat p.O.
Lakshadweep (U.T.).

2. Basheer Balliyaillam
Baliyaillam House
Kittan P.O.
Lakshadweep (U.T.) Applicants

(By advocate Mr.N.N.Sugunapalan)

Versus

1. The Port Officer
Department of Ports
Administration of U.T. of Lakshadweep
Kavaratti P.O.
Lakshadweep (U.T.).

2. The Administrator
The Administration of Union Territory
of Lakshadweep, Kavaratti P.O.
Lakshadweep.

3. Union of India represented by
The Secretary
Ministry of Home Affairs
New Delhi.

Respondents

(By advocate Mr.P.R.Ramachandra Menon for R1-2)
(Mr.C.Rajendran, SCGSC for R3)

Both the applications having been heard together on 2nd January, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

As the issues involved in both these Original Applications are similar, both the applications were heard together and are decided by this common order.

OA 420/01

2. Applicant, aggrieved by A-4 notification dated 11.4.2001 issued by the Port Officer, first respondent herein, inviting applications for filling up the post of Boat Lascars and A-5 notice No.1/6/2001-Port(10) dated 1.5.2001 issued by the second respondent calling candidates to report for selective test to be held on 19th May 2001 at Port Office, Kavaratti, filed this Original Application seeking the following reliefs:

i) To call for the records leading upto Annexure A-4 and quash the same.

ii) To call for the records leading upto Annexure A-5 and similar notices and quash the same.

iii) Direct the 1st and 2nd respondents to fill up the 6 permanent vacancies for which the selection dated 19.3.99 was held, forthwith as per the recommendations of the selection board.

iv) Direct the 1st and 2nd respondents to proceed with the selection process as per Annexure A-4, only after appointing the applicant and others who are already selected to the 6 previously notified vacancies.

OA 432/2001

3. Applicants, two in number, aggrieved by Notification dated 11.4.2001 issued by the first respondent (same as A-4 in OA No.420/01) and A-5 Notice No.1/6/2001 Part (10) dated 1.5.2001 issued by the second respondent calling candidates for selective test for the post of Boat Lascars (same as A-5 in OA No.420/01), filed this Original Application seeking the following reliefs:

i) To call for the records leading upto Annexure A-4 and quash the same.

ii) To call for the records leading upto Annexure A-5 and similar notices and quash the same.

iii) Direct the 1st and 2nd respondents to fill up the 6 permanent vacancies for which the selection dated 19.3.99 was held, forthwith as per the recommendations of the selection board.

4. The applicants' case in both these Original Applications is that they had been subjected to a selection for the post of Boat Lascars under the Lakshadweep Administration earlier and without appointing them, fresh applications had been invited for filling up the post of Boat Lascars. They advanced a number of grounds in support of their claim.

5. Respondents filed reply statements resisting the claim of the applicants. The main ground advanced was that the earlier notification was issued for filling up the vacancies in the Science, Technology & Environment Department whereas the subsequent notification was issued for filling up the vacancies in the Port Department.

6. Today when the Original Applications were taken up for final hearing, the learned counsel for the applicants submitted that since the applicants in both these cases had been appointed as Boat Lascars, they would not like to pursue these OAs and the OAs were not being pressed.

7. In the light of the above submissions, these two Original Applications are dismissed as not pressed. No costs.

Dated 2nd January, 2003.

K.V.SACHIDANANDAN
JUDICIAL MEMBER

G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

A P P E N D I X

O.A.420/2001:
Applicant's Annexures:

1. A-1: True copy of the Message form No.F.No.1/20/98-PORT(5) dated 19.3.99, issued by the Addl.Sub Divisional Officer.
2. A-2: True copy of the Notice No.F.No.1/20/98-PORT dated Nil issued by the 1st respondent.
3. A-3: True copy of the revised proceedings of the Interview Board constituted selection of Lascars, dated 15.2.99.
4. A-4: True copy of the Notification published in the Lakshadweep times daily dated 11.4.2001 by the 1st respondent.
5. A-5: True copy of the Notice No.F.No.1/6/2001-Port(10) issued by the 2nd respondent, dated 1.5.2001.
6. A-6: True copy of the representation submitted by the applicant before the 1st respondent dated 2.5.2001.
7. A-7: True copy of the representation submitted by the applicant before the 2nd respondent dated 5.5.2001.

Respondents' Annexures:

1. R-1: True copy of the letter dated 5.8.99 issued by the Ministry of Finance.
2. R-2: True copy of the letter No.15009/75/99-Plg Cell dated 29.3.01 issued by the Ministry of Home Affairs.
3. R-3: True copy of the letter F.No.2/1/98-ST&E dated 12.6.01 sent by the 2nd respondent herein.

O.A.432/2001:
Applicants' Annexures:

1. A-1: True copy of the Message form No.F.No.1/20/98-PORT(5) dated 19.3.99, issued by the Addl.Sub Divisional Officer.
2. A-2: True copy of the Notice No.F.No.1/20/98-PORT dated Nil issued by the 1st respondent.
3. A-3: True copy of the revised proceedings of the Interview Board dated 15.2.99.
4. A-4: True copy of the Notification published in the Lakshadweep times daily dated 11.4.2001 by the 1st respondent.
5. A-5: True copy of the Notice No.F.No.1/6/2001-Port(10) issued by the 2nd respondent, dated 1.5.2001.
6. A-6: True copy of the representation submitted by the applicants to the respondent dated 2.4.2001.
7. A-7: True copy of representation submitted by applicant No.2 to the respondent dated 2.4.2001.
8. A-8: True copy of representation submitted by the 1st applicant to the respondent on 2.5.2001.
9. A-9: True copy of representation submitted by the applicant to the respondent on 5.5.2001.
10. A-10: True copy of the representation submitted by the applicant to the respondent on 5.5.2001.
11. A-11: True copy of representation submitted by the applicant to the respondent on 5.5.2001.

Respondents' Annexures:

1. R-1: True copy of the O.M.No.7(3)/E (Coord)/99 dated 5.8.99 issued by the Govt. of India, Ministry of Finance.
2. R-2: True copy of the letter No.15009/75/99-Plg Cell dated 29.3.01 issued by the Govt. of India, Ministry of Home Affairs.
3. R-3: True copy of the letter F.No.2/1/98-ST&E dated 12.6.01 issued by the Lakshadweep Administration to the Govt. of India, Ministry of Finance.

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