

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.437/07

Thursday this the 13 th day of March, 2008.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

A.Abdulla Koya,
S/o late U.Muhamed,
Junior Reader,
Lakshadweep Govt. Press,
Kavaratti Island,
Union Territory of Lakshadweep. Applicant

(By Advocate Shri. Millu Dandapani)

Vs.

1. The Administrator,
 Union Territory of Lakshadweep.
 Lakshadweep, Kavaratti.
2. Secretary (Administration),
 Union Territory of Lakshadweep.
 Lakshadweep Government Press,
 Kavaratti.
3. The Manager,
 Administration of the
 Union Territory of Lakshadweep.
 Lakshadweep Government Press,
 Kavaratti. Respondents

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 13 th March, 2008,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant belongs to ST community and he joined the respondent organization as a Copy Holder in 1988. He was promoted to the next post of Junior Reader on 31.10.1995. The next promotional post is of Copy Reader. According to the Recruitment Rules the post of Copy Reader is to be filled by promotion failing which by Direct Recruitment. Promotion from the Feeder Grade is permissible subject to passing of trade test. The applicant who was

eligible for taking the trade test was given an opportunity vide communication Annexure R-3(d) dated 24.6.1999 and he had expressed his unwillingness to participate in the trade test for selection for the post of Copy Reader to the Mahal Unit Press, Minicoy. Consequently, the post was thrown upon to direct recruitment vide Notification at Annexure A-7. The applicant has challenged the same stating that he must have been considered for promotion.

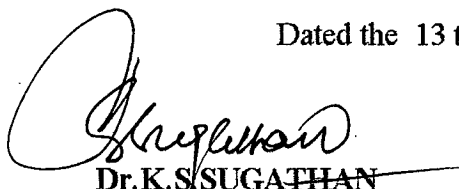
2. Respondents have contested O.A. taking the stand that the applicant having been given an opportunity to participate in the trade test and he had chosen not to take that test and hence the post of Copy Reader has to be filled up by direct recruitment.

3. The applicant has filed a rejoinder.

4. During the course of the hearing counsel for the applicant fairly conceded as to the applicant's disinclination to participate in the trade test. As such, there is no option for the respondents but to bank upon the "failing which clause", for direct recruitment. Hence, no legal lacuna could be found in the action on the part of the respondents.

5. O.A. is therefore, dismissed. No costs.

Dated the 13 th March 2008.


Dr. K.S. SUGATHAN
ADMINISTRATIVE MEMBER


Dr. K.B.S. RAJAN
JUDICIAL MEMBER