

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 445/90
T. A. No. ~~199~~

DATE OF DECISION 14.8.91

S. Saraswathy Amma Applicant ~~(s)~~

B. Raghunathan Advocate for the Applicant (s)

Versus

UOI reply The Secretary, M/o Home Affairs Respondent (s)
& three others

Mr. George Joseph, ACGSC
(for R-1-3) Advocate for the Respondent (s)

CORAM: M/s M.K. Damodaran &
P.V. Mohanan (for R-4).

The Hon'ble Mr. S.P. Mukerji

Vice Chairman

The Hon'ble Mr. N. Dharmadan

Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ~~Yes~~
2. To be referred to the Reporter or not? ~~No~~
3. Whether their Lordships wish to see the fair copy of the Judgement? ~~No~~
4. To be circulated to all Benches of the Tribunal? ~~No~~

JUDGEMENT

SHRI N. DHARMADAN, JUDICIAL MEMBER

A belated seniority dispute between the applicant, who is working as Upper Division Clerk in the Office of the third respondent, and the fourth respondent arises for consideration in this application filed on 31.4.90 under S 19 of the Central Administrative Tribunal Act, 1985.

2. Applicant was appointed as L.D. Typist w.e.f. 2.12.70, but was promoted as U.D.C. on temporary basis w.e.f. 20.7.78.

She was declared quasi-permanent on 2.12.73 and confirmed

w.e.f. 1.9.80. The 4th respondent came to the office of

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of 3rd ^{respondent} ~~by~~ transfer w.e.f. 12.7.76 as L.D.

Typist. He was promoted as U.D.C. on temporary basis w.e.f. 6.12.79 and confirmed on that post w.e.f. 1.8.80 when he was successful in the Limited Departmental Competitive Examination for promotion in 20% quota held on 12.4.80 in which the applicant did not participated on the ground of want of due intimation.

3. The learned counsel for the applicant, Shri B. Raghunathan, attacked the orders Annexure E&F rejecting the requests of the applicants for earlier promotion as U.D.C. on two grounds.

- i) The denial of regularisation in the 4th vacancy of UDC in the 80% promotion quota to which the applicant was provisionally promoted w.e.f. 20.7.78 as per the Rules is illegal.
- ii) The Limited Departmental Competitive Examination for promotion as UDC conducted by the Assistant Director of Census Operations on 12.4.80 without any publicity and notice to the applicant was only to favour the 4th respondent and give him an earlier promotion and it is arbitrary and malafide. Hence, violative of the provisions of Article 14 16 of the Constitution of India.

4. In regard to point No. 1 the applicant submitted that as per the amended recruitment

Rules published by notification No. 3/9/74-Ad.I dated 29.5.75 the post of UDC is a non-selection post to be filled up by promotion failing which by transfer on deputation. 80% vacancies has to be filled up by promotion on the basis of seniority-cum-fitness from L.D.C. who have been declared quasi-permanent or have been confirmed and have put in 3 years regular service in the grade and 20% on the basis of limited departmental competitive examination from among LDCs with 2 years regular service in the grade.

5. The claim of the applicant is that she was entitled to be considered for promotion in the 4th vacancy of UDC. But this was not given. In the seniority list of UDC as on 1.1.88 (Anne.B) the applicant is given rank No. 5 where as the 4th respondent is given rank No.4 with the remark "promoted as UDC on ad hoc basis w.e.f. 6.12.79 and on regular basis w.e.f. 1.8.80." The remark shown against the applicant is "Promoted as UDC on ad hoc basis w.e.f. 20.7.78 and on regular basis w.e.f. 1.9.80." The vacancies of 1973 and 1974 were given to Smt. S.K. Chandrika and

Shri T.G. Vasudevan Nair on the basis of promotion.

The vacancy in 1976 was given to Mr. M. Krishnan by transfer. So his appointment will not come within the quota of promotion. The 4th vacancy of UDC fell vacant in 1978 and the applicant was promoted provisionally and posted on 20.7.78. The applicant should have been regularised in that post which comes within 80% quota as per recruitment rules. The inclusion of the 4th respondent in that vacancy giving rank No.4 in the seniority list is illegal and liable to be set aside.

6. The vacancy position as explained by the respondents 1 & 2 in their reply statement is as follows:

"The details of vacancies filled up after the publication of Recruitment Rules in 1973 are now furnished. One vacancy arose and the post was filled up by promoting Smt. S.K. Chandrika, LDC on 8.5.1973. In 1974 one post of U.D. Typist and 2 posts of U.D. Clerks arose. The vacancy of U.D. Typist was filled up on 1.1.1974 by promoting Shri M. Krishnan (who was L.D. Typist). The two vacancies of U.D. Clerks were filled up by promoting two Lower Division Clerks viz. Shri K.S. Nair on 23.3.1974 and Shri T.G. Vasudevan Nair on 22.4.1974. Till 1974 the posts of U.D. Clerk and U.D. Typist were treated separately for the purpose of promotion from L.D. Clerk/ L.D. Typists.

Thus as per the records, the first vacancy arose in 1973, second and third vacancies in 1974, fourth vacancy in 1976, fifth vacancy in 1978, sixth vacancy in 1979 and seventh and eighth vacancies in 1980."

7. From the statements of the respondents 1&2 the 4th vacancy arose in 1976 in which Shri M. Krishnan was transferred and regularly appointed as per Anne.RVI which made it clear that

"he will count seniority from the date he was appointed as UDC and not from the date he was appointed as U.D.T."

This is not challenged. The vacancies for Limited Departmental Competitive Examination were determined based on the mode of filling up the vacancies which arose after the publication of Recruitment Rules in 1973 which were later amended in 1975. From 1973 to 1976 four vacancies arose and these were filled up by promotion and transfer. Hence ~~xxxx~~ vacancy was treated by the Department on a par with promotion and the fifth vacancy which arose in 1978 was considered for filling up by Limited Departmental Competitive Examination and the department decided to fill up the same on that basis. Under these circumstances the applicant's claim for the fourth vacancy cannot be sustained.

8. Now, we will deal with the second submission which is pertaining to the Limited Departmental Competitive Examination conducted on 12.4.80. It is better to extract the allegation of the applicant in his own words. He has stated

"It is submitted that there is no rule or norms for the conduct of limited departmental competitive examination in Kerala.

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On enquiry, in the given case a test was conducted in 1980, which was as one man show by Shri K.V. Ramaswami, Asst. Director of Census Operations, Kerala who set up the question papers, conducted the test, valued the same and announced the results

within a week of the test. Applicant submits that there was no order from the competent authority to conduct the examination by the said officer. There was no notification of the test also. There were other senior officers in Kerala, who could have also conducted the examination or at least could have participated at some stage of the examination. The test was conducted in 1980 for the vacancies which arose in 1978 and 1979. Applicant humbly submits that the said test was intended to favour the 4th respondent. It was not an impartial one, it was an arbitrarily and discriminato- rily conducted one. It was a malafide exercise of power and against the principles of natural justice."

9. The answer to the above allegations

given by the respondents 1 & 2 reads as follows:

" The Limited Competitive Examination was conducted by the Assistant Director (General) who was authorised to conduct it by the Director of Census Operations, the question paper was set by the Assistant Director of Census Operations, Kerala. Two persons Shri.M. Somanathan Pillai and Smt. C. Sarojini Amma, Lower Division Clerks appeared for the examination. The same Assistant Director(General) conducted the examination and valued the answer books. Shri M. Somanathan Pillai who scored the highest mark(43%) was selected and was regularised on 1.8.1980, in the vacant post arose in 1978. Smt. S. Saraswathy Amma and Smt. C. Sarojini Amma were regularised with effect from 1.9.1980 in the other two posts (ie. in the vacant posts of 1979 and 1980 respectively)."

10. The fourth respondent also in his reply

statements did not controvert the specific allegation

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that the Assistant Director of Census Operations fixed the test, setup question papers, conducted it, valued the papers and announced the result. All these were done in an unusual hurry and finished the process within a week.

11. The applicant further submitted that the 4th respondent was not qualified under the recruitment rules to sit for the test held on 12.4.80. On the otherhand the applicant was qualified for promotion from 20.7.78. ^{The test} ~~was~~ ^{by} neither notified nor did she know about the test before the publication of the seniority list of UDC in 1988. Though the 4th respondent was appointed by transfer from 1.3.76 his service as LDC was regularised on 6.4.79. So he is not entitled for promotion to the regular vacancy of UDC which fell vacant on 20.7.78. According to the applicant he was also not entitled to appear for the examination held on 12.4.80 since he has not completed 2 years of regular service as LDC on that date as provided in Annexure R-II notification amending the Recruitment Rules.

12. The 4th respondent in his additional reply statement stated that he had initially entered service as LDC in the Central Secretariat on 12.7.66 and he was transferred to Prime Minister's Secretariat on 26.11.66. He was declared quasi-permanent in LDC grade w.e.f. 24.6.70 as per Annexure R.4(f). Thereafter he was transferred to Trivandrum and he joined duty on 6.4.76 as per Annexure R 4(e). Accordingly his seniority is to be counted from that date. It is submitted that R 4(f) declaration is only an idle formality. Therefore he had completed two years of regular service as LDC on 6.4.78 itself.

13. The facts and circumstances indicate that the applicant had completed two years regular service as LDC on the date of the examination. The applicant joined at Trivandrum as LDC on 6.4.76 in a regular post and she was treated as a regular LDC. Annexure R-5 seniority list of LDC states that the applicant was confirmed as LDC w.e.f. 6.4.76. Hence, the applicant's case that the 4th respondent was ineligible for appearing in the test held on 12.4.80 cannot be accepted.

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14. The crucial question is whether the Limited Departmental Competitive Examination envisaged in the 1975 Recruitment Rules for promotion within 20% quota held on 12.4.80 is strictly in accordance with the rule after due intimation to all concerned. The Rules Annexure R-II only states :

"Promotion: 20% the basis of a Limited Competitive Examination from among the LDCs with two years regular service."

The rule is silent regarding procedure for conducting the examination, the duration between two examinations, the authority who is to conduct examination, and other formalities of the examination, but it is to be presumed that everything would normally be done by the Departmental authorities ^{exercising the} discretion properly and fairly in the best interest of the service.

15. The allegation of the applicant in this behalf is that she is qualified for promotion as UDC from 20.7.78 and she was provisionally promoted on that date. After the filling up of 4th vacancy on 1.3.76 and a decision taken by the department to treat the 5th vacancy to be filled up through Limited Departmental Examination the department could have conducted the examination without delaying the same. It was conducted only in 1980 in a hurried manner

without notice to the applicant for favouring the 4th respondent. The applicant also raised some allegations of malafide as indicated in her application. Normally a departmental examination would be conducted after due publicity and all prior examinations were held after publication in papers. Annexure G is one of such notices published in Malayala Manorama daily intimating the date and other details of the departmental examination. In the reply statements filed in this case there is no answer for the hasty manner in which the examination was conducted by the Asstt. ^RDirector of Census and about the ^{of 4}allegations ~~malafides~~. But they have produced Annexure R.VIII notice No. B.4359/79 dated 26.3.80 intimating the date and the time of the test without any indication as to the place of the test. This notice is seen dispatched from the office in 27.3.80. But the details as to which ~~xxx~~ candidates it was dispatched, whether it was served on all the candidates including the applicant etc. are not clearly stated in the reply. Hence, we ~~xxxx~~ called for the despatch files and register. But, neither of them ^{by} was produced for our perusal by the learned

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counsel appearing on behalf of the respondents. It is seen from Annexure R-5 seniority list of LDCs that the department is adopting a method of communication by showing the same to all the persons and get their initials on the list itself indicating due intimation through special messenger. Why such a procedure was not adopted in the matter of communication of notice of ~~the~~ this ^{and} departmental examination is ~~not~~ ^{not} explained. There is ^{no} ~~is~~ official publication of the date ^{and details} ~~through~~ media presumably because the number of candidates for which the test is held is only limited to ~~three~~ ^{and} three. However, it is obligatory on the part of the department ^{to} ~~give~~ ^{to} due intimation about the date, time and place of the test to ~~be held~~ ^{be} for the promotion to all candidates, so as to enable them to participate in the test. The failure would cause injustice and nullify the test and consequent proceedings taken by the authorities pursuant to such a test. The respondents have not produced any materials to satisfy this Tribunal that the applicant had been duly notified of the date, time and place of the limited departmental promotion test held on 12.4.80.

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16. In the course of the arguments of the case on 18.7.91, we asked the question to the learned counsel appearing on behalf of the respondents whether Annexure-R.VII notice was put on the notice board in the office in which the applicant was working in the relevant period. No records are available to indicate a publication of the notice on the notice board. But the 4th respondent filed a supplementary counter affidavit dated 24.7.91 in which he has stated that:

"....The applicant in the above case, the 4th respondent as well as Smt. C. Sarojini Amma were working in one and the same office in the same building under the same roof in the Directorate of Census Operations Office, Sastha Building, Kaudiar, Trivandrum.... The applicant is now making false claim before this Hon'ble Tribunal that Annexure R-7 was not published or that it was not served on her."

As indicated above no records are available to satisfy either publication of the notice Annexure R-7 in the office or communication of the same to the applicant.

17. Annexure R-7 notice itself is defective. As indicated above, it does not mention the place where the proposed examination is to be conducted. The relevant portion of the notice reads as follows:

" In order to fill up the vacancy of U.D. Clerk falling in the above quota on a regular basis it is proposed to conduct a competitive examination on 12.4.1980. The duration of the examination will be 2 hours from 10 a.m. to 12 noon. The syllabus for the examination

will cover departmental topics like F.R., S.R., Leave Rules, office procedure etc.

Smt. S. Saraswathi Amma and Shri M. Somanathan Pillai, now working as U.D. Clerk on ad-hoc basis and Smt. C. Sarojini Amma, L.D. Clerk who are eligible to appear may appear for the examination on the above date and time."

18. Mere personal knowledge of a candidate about the date, time and place of a departmental competitive examination held for promotion would ^{not} ~~absolve~~ the legal obligation of the department to intimate the necessary details of the examination to the candidates who would be benefited or affected by the result of such an examination. When the Recruitment Rules provide for an internal departmental examination for promotion, the departmental authorities are expected to conduct ^{utmost} care in a ^{fair} manner ⁱⁿ the same with ~~perfectly~~ and ~~in~~ accordance with the normal procedure to be followed for the same giving due and official intimation to all eligible candidates. Otherwise, it would be a denial of equal opportunity and even violative of the principles of natural justice which will ^{vitiate} the entire selection proceedings. It may also be a violation of the provisions of Article 14 & 16 of the Constitution of India.

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19. In the instant case since notice Annexure-R 7 is not in proper form containing all relevant particulars of the test so as to enable the candidates to attend for the same and it had not been notified individually to all ^{the} ~~three~~ candidates the applicant's contention deserves consideration. In both the impugned orders the authorities have only concentrated on the failure of the applicant in attending the test and made her a defaulter and rejected her request without either examining whether the test ^{was} ~~validly~~ conducted by the department in a fair manner after fulfilling all procedure/formalities or as to the reason why the applicant did not attend the test on 12.4.80. They did not go into the details as to whether there was due intimation of the date, time and place of the test to all the candidates so as to enable them to attend the test. Moreover, the allegations of malafide specifically raised by the applicant were also not adverted to and answered in the impugned order. Under these circumstances these ^{orders} ~~are~~ not sustainable to the extent they upheld the validity of the departmental test held on 12.4.1980.

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20. The 4th respondent has raised a serious objection on the delay and submitted that the applicant cannot challenge the status and seniority of the 4th respondent after a span of seven years. It is a stale claim.

"The applicant is most cantankerously raking up all time barred claims, which are otherwise unsustainable in law and facts."

The applicant denied all these allegations and stated that she knew about the promotion of the 4th respondent as regular UDC only when Annexure B provisional seniority list of UDC as on 1.1.88 was circulated in February, 1988. The 4th respondent was placed above her, officially only as per a later document Annexure B. Immediately, on 9.2.88 she submitted Annexure-C representation stating her grievance in detail. Annexure-D is another representation dated 24.10.88 submitted challenging Annexure-E order. It was also rejected by Annexure-F order dated 26.5.89. He has challenged both these orders in this application. Hence, according to the applicant there is no delay in this case.

21. It is seen from Annexure R-5 provisional seniority list of LDC as on 1.8.90, which was circulated

among the officers in August 1980, that the applicant is at Sl.No. 8 and 4th respondent is at Sl.No. 9. This was seen and signed by both the applicant and 4th respondent in the second week of August, 1980. At that time there was no reason for doubting the seniority of the applicant, for she was placed above the 4th respondent. If she was really aware of the 4th respondents participation in the Limited Departmental Competitive Examination held in 12.4.80 and his earlier promotion as UDC which was actually effected w.e.f. 1.8.80 she would definitely have raised her objection even at that time. There is no reason to believe that the applicant was aware of it in August, 1980 itself. The circumstances in this case only lead to the inference that the applicant might have known about the earlier promotion of the 4th respondent at a later stage. There is no indication or other materials to believe in the statements of the respondents that the applicant did not file any objection against the regular promotion of the 4th respondent although she had opportunity to do so. It is not specified when

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exactly the applicant was aware of the earlier promotion of the 4th respondent and what are the circumstances which lead to the inference that the applicant knew about the regular promotion of the 4th respondent as UDC. On the otherhand in the reply statement of respondents 1&2 it is admitted that

"the seniority list was finalised on 21.8.80 but from the records, it is not known whether the same was stencilled and circulated to all members. During period 1981 to 1987 no seniority list of UDC or LDC was circulated.....On 2nd February, a provisional seniority list of U.D. Clerk as on 1.1.88 was circulated. The applicant represented against this seniority list on 9.2.1988 (Annexure D) and it was disposed of on 26.9.88 by Joint Director of Census Operations (Annexure-E) again the applicant represented on 24.10.88 and the petition was disposed of finally on 26.5.89 (Annexure-F)"

At the time of the filing of this application the registry also raised an objection about the delay in filing the application. It was after hearing the respondents on this aspect that we xxx admitted this case on 6.6.90. Under these circumstances it may not be proper and fair on our part to dismiss this application as a belated one raking up belated and stale claim. The applicant has kept alive her right by filing representation ever since the circulation of the seniority list of UDCs which is the only document by ^{which} the applicant was legally deemed to know ^{about} the correct seniority of the 4th respondent. Of course this is a ^{simple} matter for the

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4th respondent ^{as it is} ~~as it is~~ pertaining to a departmental examination for promotion

held in 1980 ^{and} ~~and~~ ^{has} ~~has~~ much water ^{has} ~~has~~ flown under the bridge

after the selection. But, ^{it is a fact that} ~~it is a fact that~~ ^{the} ~~the~~ applicant had not

been duly notified about the test. It is a very

serious matter for the applicant. She has a genuine

feeling that she was deprived of a chance of appearing

in the test for promotion in 1980 because of the

lack of notice or lacuna in ^{the} ~~the~~ procedure. That feeling

if based on satisfactory materials justice requires

interference and grant of relief for justice is not

only to be done in every case but should be seen to

have ^{been} ~~been~~ done to dispel the doubts and give complete

satisfaction to a person aggrieved. In the instant

case there is serious allegations of malafides

raised by the applicant against the Assistant Director

of Census Operations, who conducted the examination

in ^{this} ~~this~~ case in a hasty manner. These allegations

are not countered specifically by the respondents

in their reply statements. Hence, in these circum-

stances it cannot be considered to be a stale and

old claim which can be rejected out right.

22. It is well settled proposition of law that every act of a public servant is expected to be honest bonafide and reasonable and it is for him to dispel any doubt.. An act is nothonest when it is not just and fair. It is not bonafide when it is done without due care and attention. It is not reasonable when a fair and prudent man would not do it. ^{The} Assistant Director's action in having fixed the test on 12.4.80, prepared the question paper, despatched notice to the parties, conducted the test, valued the papers, declared the result etc. within a very short period of one week ~~xxxxx~~ in a very hasty manner as if a time-bound programme ~~is being executed~~ ^{by} casts doubts in the legal mind. This is sufficient for interference in this matter coupled with the defect in the notice as indicated above.

23. In the instant case having regard to the facts and circumstances of the case there are sufficient materials for strengthening the feeling that the internal limited competitive examination for promotion as per Annexure R-II Rules was not conducted strictly in accordance with law at least in the matter of due intimation regarding the place of test, to all the candidates and to that extent it is vitiated by

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illegality and unfairness. Accordingly we feel that justice would be met in this case if we dispose of the application after maintaining the status quo as on today with direction to the 3rd respondent to conduct one more limited competitive departmental test for promotion as UDC, in which the applicant and 4th respondent should be allowed to take part, following the same syllabus and materials indicated in Annexure R-7 so that the applicant may dispel her feeling that she was denied earlier promotion because of the absence of due notice and a chance to appear for the examination held on 12.4.80.

24. Accordingly, we dispose of this application with the following directions.

1. The 3rd respondent is directed to conduct a fresh limited competitive departmental test for promotion as UDC, with the same syllabus and topics mentioned in Annexure-R.7 notice, in which only the applicant and 4th respondent alone should be allowed to participate.
2. This shall be conducted by the 3rd respondent within a period of three months from the date of receipt of the copy of this judgement.

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Till then the status quo as on today be maintained regarding further promotion of the 4th respondent.

3.(a) If the applicant is found to be more meritorious than the 4th respondent in the examination, she shall be confirmed as U.D.C. with effect from 1.8.80 when the 4th respondent was confirmed and ^{shall be} placed above him in the Seniority List with all consequential benefits including consideration for further promotion, notwithstanding any observations made in Annexures E and F orders challenged in this case.

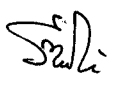
3(a). If the respondents ^{14.8.91} do not wish to disturb the date of confirmation of 4th respondent, a supernumerary post for accommodating the applicant's confirmation with effect from 1.8.80 will have to be created. If it is not possible, the 4th respondent's date of confirmation will have to give place to that of the applicant.

3(b). If however, the 4th respondent is found to be more meritorious in the examination as compared to the applicant, there will be no change in the seniority of dates of confirmation between the applicant and the 4th respondent and the status quo order referred to in (2) above will automatically stand vacated.

25. In the result this application is disposed of as indicated above. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER

14.8.91

 / 14.8.91
(S.P. MUKERJI)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

R.A. 55/91 O.A. No. 445 1990
in ~~XXXXXX~~

DATE OF DECISION 12.11.91

M. Somanatha Pillai Applicant (s)

Mr. MK Damodaran Advocate for the Applicant (s)

Versus

UOI rep. by Secy., Min. of Respondent (s)
Home Affairs, New Delhi & 3 others

Mr. George Joseph Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. Mukerji - Vice Chairman
and

The Hon'ble Mr. N. Dharmadan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Mr. N. Dharmadan, Judicial Member)

This Review Application can be disposed of by circulation after perusing the grounds. The grounds urged in this application for review are all factual and cannot be entertained for invoking our jurisdiction particularly in the nature of the directions already issued in this case while disposing of the same.

2. The whole case of the applicant in the Original Application, the 4th respondent in this MP, is based on the fact that the limited competitive examination ^{LD 4} on 12.4.1980 was not legally

notified as provided in the Rules specifying the place of the examinations. Having considered the matter in detail in the light of the materials available in this case we have come to the conclusion that there are some irregularities in the conduct of the examination resulting in ~~the~~⁴ deprivation of the effective chance for the original applicants to participate in that examination. Hence, in the interest of justice we have only directed to ~~the~~ conduct the internal departmental examination with the same syllabous so as to enable the applicant and the 4th respondent in the main application to prove their merits for promotion as UDC. There is nothing wrong in the judgement. No error of law or mistake in the judgement.

3. In this Review Application the review applicant submitted that he was promoted as UDC on 1.9.80 after the examination and that applicant in the OA challenged the same only after 11 years. Hence, this Tribunal has no jurisdiction to unsettle all settled matters by invoking the jurisdiction under Section 19 of the Administrative Tribunals Act. This ground is taken without adverting to the facts and finding on question of limitation in para 20 & 21. The impugned order Annexure-F was passed on 26.5.89⁴. So there is no merit in this contention, ~~based on jurisdiction.~~⁵

4. Since the applicant in the Review Petition has not made out any ground for invoking our jurisdiction for review of this case it is only to be rejected. We do so.

N. Dharmadan
12.11.91.
(N.DHARMADAN)
JUDICIAL MEMBER

S.P. Mukerji
14/11
(S.P.MUKERJI)
VICE CHAIRMAN

Pronounced in open court today.

M. S.P. Mukerji
12/11 14/11/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

R.A. 35/92 in
O. A. No. 445/90
T.A. No.

109

DATE OF DECISION 23.4.92

C. Sarojini Amma Applicant (s)

Mr. K.R.B. Kaimal Advocate for the Applicant (s)

Versus

S. Saraswathy Amma, Assistant
Office of the Director of Census Respondent (s)
Operations, Trivandrum and others

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The review filed by the applicant had been rejected. The present review is filed by another person who is not a party in the judgment. Her case is that she was fully qualified and eligible for appearing in the examination, but she is not allowed to appear as per the directions in the judgment in O.A. 445/90. She has no case that she was also a person appeared in the earlier selection which was set aside as per our judgment in this case. She is not really an affected person. She has no real grievance and this Review Application has been filed without any bonafide.

and valid ground. It is only to be rejected. Accordingly,
it is rejected.

N. Dharmadan

23.4.92

(N. DHARMADAN)
JUDICIAL MEMBER

S.P. Mukerji

23.4.92

(S. P. MUKERJI)
VICE CHAIRMAN

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