

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH



Common order in O.A.No.349/2002 and O.A.449/2002.

Tuesday this the 3rd day of August 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

O.A.349/02:

K.P.Kamaludeen, 'Kotteypura House',
Kavarathi, Union Territory of
Lakshadweep.

Applicant

(By Advocate Shri P.V.Mohanan)

Vs.

1. The Administrator,
Union Territory of Lakshadweep.
Kavarathi.

2. The Superintending Engineer,
Office of Superintending Engineer,
Lakshadweep Public Works Department,
Kavarathi.

Respondents

(By Advocate Mr.S.Radhakrishnan)

O.A.449/02:

K.K.Howlath, W/o Ali Muhammed C.H.,
Kilthan Island, Union Territory of
Lakshadweep, Residing at Kunniyathiyakkad,
Kilthan.)

Applicant

(By Advocate Shri P.V.Mohanan).

Vs.

1. The Administrator,
Union Territory of Lakshadweep.
Kavarathi.

2. The Superintending Engineer,
Office of Superintending Engineer,
Lakshadweep Public Works Department,
Kavarathi.

Respondents

(By Advocate Shri P.R.Ramachandra Menon)

The application having been heard on 3.8.2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The facts and circumstances and the issue involved in these cases are similar and these cases are heard and disposed of by this common order.

2. Pursuant to a notification No.480/2001 issued by the 2nd respondent, the Superintending Engineer, Lakshadweep Public Works Department, the applicant in O.A.349/02 Mr.K.P.Kamaludeen applied. He was 31 years old at the time of notification. The applicant in O.A. 449/02 Smt. K.K.Howlath, also applied for the same post. While the applicant Shri Kamaludeen in O.A.349/02 was not called for the selection, the Applicant in O.A.449/02 Smt.KK Howlath was informed vide Annexure A-7 order in that case that she was not eligible to apply on account of being overaged. The applicants therefore have filed these two applications seeking a direction to the respondents to consider the applicants for interview/ selection for the post of Junior Engineer/Project Engineer/Draughtsman in the Lakshadweep Public Works Department declaring that they are qualified and eligible, setting aside the impugned A-7 in O.A.449/02. It is alleged in these applications that since the upper age limit has been enhanced by two years, the action on the part of the respondents in not treating the candidature of the applicants as valid on the ground that they had crossed the age limit of 30 years, is illegal and unjustified.

3. In both these applications on the basis of interim orders, the applicants had been permitted to take part in the selection process.

4. The respondents in both these applications have filed reply statements indicating that the condition of eligibility having been reconsidered, it has been decided that the applicants are eligible to participate in the examination and therefore, virtually the O.As. have become infructuous.

5. In view of the statement in the reply of the respondents that the applicants are eligible to participate in the selection and as the applicants also have been called for the selection, we dispose of these applications directing the respondents to finalise the selection treating the applicants are eligible and within the age limit. No costs.

Dated the 3rd August, 2004.

Sd/-
H.P. DAS
ADMINISTRATIVE MEMBER

Sd/-
A.V. HARIDASAN
VICE CHAIRMAN

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