

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Order in M.A.518/03 and O.A.No.460/2003.

Thursday this the 3rd day of July 2003.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. Ali B.B., Badage Bidharuge,
Seadival Village, Minicoy Island,
Lakshadweep.
2. Syed Mohammed Kasim S.,
Shekkiriyammada House, Androth Island,
Lakshadweep.
3. Syed Mohammed Ubaidulla,
P.P.T.House, Andorth House,
Lakshadweep.
4. Nazer P., Pakkeemmada House,
Amini Island, Lakshadweep.
5. Sabeena C.N., Cheranallal House,
Kalpeni Island, Lakshadweep.
6. Thasiyabi M.K., Mukkrikakkada House,
Kalpeni Island, Lakshadweep. Applicants

(By Advocate Shri Thampan Thomas)

Vs.

1. Union of India, represented by
the Secretary, Ministry of Home Affairs,
North Block, New Delhi-110001.
2. The Administrator, U.T.of Lakshadweep,
Kavaratti.
3. The Director of Education,
U.T. of Lakshadweep,
Kavaratti. Respondents

(By Advocate Shri C.Rajendran, SCGSC (R-1)

(By Advocate Shri P.R.Ramachandra Menon (R.2 & 3)

The application having been heard on 3rd July, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicants, five in number, having applied for the post of Trained Graduate Teacher(TGT for short) in Hindi in the Union Territory of Lakshadweep, have undergone the eligibility

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test as per A-5. However, since the respondents have not drawn the short-list of candidates for interview and since the applicants apprehended that their chances of appointment were getting unduly delayed, they made a representation A-6 dated 12.5.2003 to the 2nd respondent and thereafter A-7 representation dated 22.5.2003 to the 3rd respondent highlighting their grievance and seeking appropriate orders. Apparently there has been no response to the representations preferred by the applicants. But the respondents, by A-8 Announcement through the 'Lakshadweep Times' dated 24.5.2003 cancelled the notification dated 6.1.2003(A2) and fresh steps were initiated in accordance with the Recruitment Rules amended on 17.9.2002. The applicants have now come up with this O.A. seeking the following reliefs:

- i) to call for the records in this case and set aside the Annexure A-8 order to the extent of cancelling 4 posts notified as per Annexure A-2 and direct the respondents to short-list the applicants as per the eligibility test conducted and to appoint selected candidates for the post notified as per Annexure A-2.
- ii) to direct the 2nd and 3rd respondents to consider the representations Annexure A6 & Annexure A7 and on that basis to appoint the applicants in the available post of Trained Graduate Teacher (Hindi).
- iii) to issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case; and
- iv) to award the costs of this Original Application.

2. Meanwhile, the applicants filed M.A.518/03 seeking permission to produce A-9 dated 27.6.03 which would show that the respondents have called certain persons in addition to those figuring in the earlier list as per A-5. Since the applicants apprehend that, by this process the respondents are trying to expand the scope of the selection by bringing in additional number of candidates, their chances of appointment in spite of

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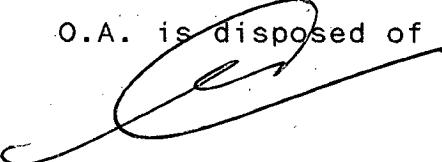
the fact that they had appeared for the necessary eligibility test and interview successfully, will get diminished. In the same Miscellaneous Application the applicants have also sought for a stay of operation of A-9 circular.

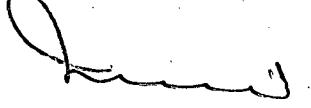
3. When the M.A. came up for consideration before the Bench, the learned counsel on either side agreed that the O.A. itself can be disposed of by directing the 2nd respondent to consider the representation A-6 and pass appropriate orders as expeditiously as possible.

4. We have heard Shri Thampan Thomas, learned counsel appearing for the applicant and Shri P.R.Ramachandra Menon appearing for respondents 2 & 3. We have gone through the records and considered the facts. Having regard to the submissions made by the learned counsel on either side, we consider it appropriate to dispose of this O.A. by directing the 2nd respondent to consider the applicants' representation A-6 at a very early date and serve appropriate orders thereon on the applicants. We do so.

5. In the circumstances, we direct the respondents not to proceed with A-8 Announcement dated 24.5.2003 and A-9 Press Note dated 27th June 2003 in any manner which might cause any prejudice to the applicants herein till the disposal of the representation as above.

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


K.V.SACHIDANANDAN
JUDICIAL MEMBER


T.N.T.NAYAR
ADMINISTRATIVE MEMBER