

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.462/2002

Monday this the 1st day of July, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

B.Jaleel, Revenue Inspector,
now on deputation to the post of
Superintendent of Survey
(now working as Superintendent by
Secretary on deputation)
Collectorate, Kavarathi.

..Applicant

(By Advocate AVM Salahudeen)

v.

1. Union of India, represented by
the Secretary, Ministry of Home Affairs,
New Delhi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavarathi.
3. Collector-cum-Development Commissioner,
Union Territory of Lakshadweep,
Kavarathi.
4. Departmental Promotion Committee represented
by its Chairman for the post of Assistant
Settlement Officer, UT of Lakshadweep,
Kavarathi.
5. K.Buzar Jamhar, Assistant Settlement Officer,
Amini, Lakshadweep.
6. I.C.Pookoya, Assistant Settlement Officer,
Chetlat, Lakshadweep.
7. M.K.Kunhikoya, Stenographer on
deputation to office of the
Assistant Director, Sensors Operations,
Kadamath, Lakshadweep.Respondents

(By Advocate Mr. S.Radhakrishnan - for R 2 to 4)

The application having been heard on 1.7.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is a Revenue Inspector now on

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deputation to the post of Superintendent of Survey has filed this application challenging the order dated 26.12.2000 (A6) by which the respondents 5 and 6 who have been officiating on adhoc basis as Assistant Settlement Officers have been regularly promoted as Assistant Settlement Officers/Tahsildar with effect from 6.11.2000, the final seniority list of Tahsildars/Assistant Settlement Officers appointed after 10.4.95 to 6.11.2000 to the extent it contains the names of respondents 5 and 6 and has also sought that it may be declared that the 7th respondent is not eligible to be appointed to the post of Assistant Settlement Officer in terms of the notification Annexure.A8 pursuant to which the applicant has also applied.

2. We have gone through the application and the materials appended thereto and have heard Shri AVM.Salahudeen, learned counsel of the applicant as also Shri S.Radhakrishnan appearing for the official respondents at considerable length. The regular appointment of the Respondents 5&6 with effect from 6.11.2000 by Annexure.A6 order dated 26.12.2000 is challenged on the ground that they do not possess the chain survey test certificate at the time when they were appointed. The challenge to this order is *prima facie* untenable for two reasons. One the impugned order is dated 26.12.2000 and under Section 21 of the Administrative Tribunals Act the period of limitation is over and therefore, the applicant cannot challenge it. The second reason is that those who are appointed as Tahsildar/Assistant Settlement Officer need pass the chain survey test during the period of probation as per the

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Recruitment Rules and therefore, there is no basis for the challenge against Annexure.A6 apart from the challenge being time barred. The placement of names of Respondents 5 and 6 in the Annexure.A5 Seniority List of Tahsildars/Assistant Settlement Officer is perfectly in order because they have been regularly appointed to that post. The applicant has no locus standi to challenge this Seniority List because he is neither an Assistant Settlement Officer nor a Tahsildar. The claim of the applicant that the 7th respondent is not eligible for being considered for appointment as Assistant Settlement Officer/Tahsildar is also untenable because the chain survey test need be passed during the period of probation.

3. We do not find anything in this application which calls for its admission and further deliberation. Hence the application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated the 1st day of July, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the recruitment rules 1973 of the Assistant Settlement Officer.
2. A-2 : True copy of the Lakshadweep District Administration (Group.C Post) recruitment rules 1976.
3. A-3 : True copy of the Lakshadweep Administration Tahsildar/ Assistant settlement officer-recruitment rules 1988.
4. A-4 : True copy of the notification dated 17.12.90 issued by Lakshadweep Administration.
5. A-5 : True copy of the final seniority listed dated 28.5.2002 of Tahsildar/ASO's in the Lakshadweep Administration.
6. A-6 : True copy of the office order dated 26.12.2000 No.1/27/95-LR /Estd.Vol.II issued by Administration of U.T. of Lakshadweep.
7. A-7 : True copy of the representation dated 30.4.02 filed before the 3rd respondent by the applicant.
8. A-8 : True copy of the circular dated 5.7.2001 issued by the Administration of Union Territory of Lakshadweep.
9. A-9 : True copy of application dated 30.7.01 submitted before the 2nd respondent.
10. A-10: True copy of representation dt.2.4.02 submitted before 1st respondent.
11. A-11: True copy of relevant portion of the Office Memorandum dated 18.3.88.
