

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No. 484 / 2009

Thursday, this the 11th day of November, 2010.

CORAM

HON'BLE Ms. K NOORJEHAN, ADMINISTRATIVE MEMBER

HON'BLE DR K.B.SURESH, JUDICIAL MEMBER

1. Abdul Kareem A,
S/o late Kidavu Koya,
Amblam House,
Amini Island, Lakshadweep.
2. Jaffar Khan.P.V.,
S/o late Attakoya.T.Y.,
Thaithottam House,
Kulta Island.Applicants

(By Advocate Mr C.A.Chacko)

v.

1. Union of India represented by
Secretary to Government,
Depart of Agriculture & Cooperation,
New Delhi.
2. The Director of Education,
Lakshadweep Administration,
Kavaratti, Lakshadweep.
3. The Secretary (Administration),
Administration of the U.T. of Lakshadweep,
Kavarati.Respondents

(By Advocate Mr Millu Dandapani, ACGSC for R.1)

(By Advocate Mr S Radhakrishnan for R.2 & 3)

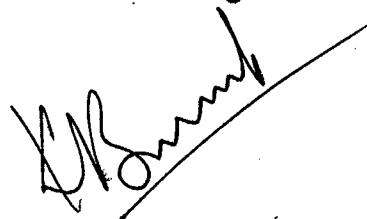
This application having been finally heard on 4.11.2010, the Tribunal on 11.11.2010 delivered the following:

ORDER

HON'BLE DR K.B.SURESH, JUDICIAL MEMBER

Annexure A-6 notification and a selection process is under challenge.

Earlier on the same ground the Hon'ble High Court of Kerala was approached by



the applicants vide W.P.(C) No.8222/2005 by which an interim order was granted to the applicants enabling them to write the selection examination but apparently the examination was cancelled and thereafter issued Annexure A-6 order in place of Annexure A-2 notification.

2. The applicants would aver and allege that in fact it is obtained from Annexure A-7 order of 3rd respondent that Annexure A-6 even though supposed to be resultant of a series of deliberations by the respondents was born before even the constitution of Annexure A-7 committee. Thus they would say that Annexure A-6 is hastily created, without application of mind and therefore has resulted in arbitrariness which is also vitiated by functional deficiencies.

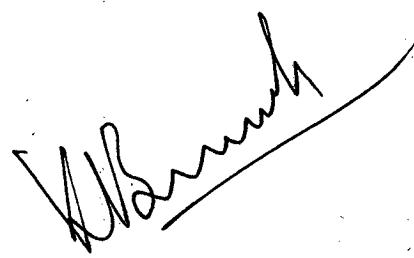
3. They would point out as per Annexure A-6 notification, candidates who have obtained certificate in Shore Mechanic Course are eligible for applying for Mechanical Instructor. But the Shore Mechanic Course consists of only four subjects, viz, Marine Engineering, Workshop Technology, Boat Building Technology and Engineering Drawing and the duration of Shore Mechanic Course is 12 months. The applicants had undergone Engine Driver Fishing Vessel Course at the same institute and had studied more than eight subjects for 18 months and in short other than four subjects covered by Shore Mechanic Course the applicants have studied four other subjects as well and they should be at least at parity between the two courses for future employment. Therefore, they pray for a declaration that Engine Driver Fishing Vessel Course from CIFNET are on par with Shore Mechanic Course so as to enable them to be considered for the post of Mechanical Instructor.

4. The respondents filed a detailed reply stating that Annexure A-5 notification issued based on old Recruitment Rules of 1955 was a mistake. As

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soon as this fault was noticed, it was rectified by Annexure A-6 which called for a qualification of SSLC and Training Course in Shore Mechanic at CIFNET. The applicants had filed a rejoinder claiming that since they have studied more subjects than Shore Mechanic Course, they are more eligible than others. The respondents have filed additional reply statement producing new Recruitment Rules notifying SSLC and Training Course in Shore Mechanic at CIFNET as the required qualification.

5. After having gone through the pleadings and hearing the learned counsel on both sides, we are of the view that this is a case of much ado about nothing. A mere reading of the curriculum of the courses would reveal that the applicants have studied the subjects of Shore Mechanic Course and in addition, they have studied four more subjects as well and therefore, they are entitled to be considered for the post of Mechanical Instructor as advertised. Annexure A-6, therefore, will be read as inclusive of Engine Driver course at CIFNET as it is on an equal and equitable level with the Shore Mechanic Course. Therefore, the applicants succeed. The O.A is allowed. The respondents are directed to consider the applicants also for appointment as Mechanical Instructor in continuation of the process already started and complete the same as expeditiously as possible in view of the requirement of the institution. There shall be no order as to cost.



DR K.B.SURESH
JUDICIAL MEMBER



K NOORJEHAN
ADMINISTRATIVE MEMBER