

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 522/95

Tuesday, this the 2nd day of May, 1995

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S. P. BISWAS ADMINISTRATIVE MEMBER

M. S. Sudhakaran
Mangalasseril
Thycattuserry, Sherthallai
working as Tracer
Department of Light Houses and
Light Ships, Cochin-20

Applicant

By Advocate Mr. Thampan Thomas

vs.

1. The Director General of Light Houses and Light Ships, R.K. Puram, New Delhi-66
2. The Director (Regional) of Light Houses and Light Ships, Cochin-20
3. The Deputy Director of Light Houses and Light Ships, Cochin-20 -incharge of Director (R)

Respondents

By Advocate Mr. P.R. Ramachandra Menon, ACGSC

O R D E R

S. P. BISWAS, ADMINISTRATIVE MEMBER

Applicant, a Tracer in the department of Light Houses and Light Ships, submits that promotion due to him as Junior Engineer (Civil) (JE(C) for short) has been wrongfully denied. He seeks to quash Annexure A8 order by which his request for conducting a fresh selection permitting him to participate in the test and interview, has been rejected.

2. Learned counsel for applicant submits that applicant being a holder of diploma in Civil Engineering with requisite years of experience, is eligible for consideration for appointment as Junior Engineer along with nominees of Employment Exchange. Counsel would submit that there was a direction to second respondent

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to consider the candidature of applicant at the time of filling up of vacancies of JE following representations of applicant earlier in 1988 and 1992. Counsel would also submit that despite there being special instructions to consider the applicant along with others, no intimation was given to applicant to enable him to submit a timely application and participate in the test held in April, 1995. No notice was published in the office notice board. No notice was circulated amongst the staff intimating recruitment of JE and calling for applications from employees, submits counsel for applicant.

3. Learned counsel appearing for respondents submits that vacancy for JE's post in the office of Director of Light Houses and Light Ships, Gandhinagar, Cochin was advertised all over India in 'Employment News' through Director General, Employment and Training, New Delhi in February, 1994. It was also advertised through 'Rozgar Samachars' in Hindi and Urdu. Counsel for respondents would submit that the Director General of Light Houses and Light Ships did not give the applicant any guarantee in favour of test and interview. Director General's letter of December, 1988 was only of an advisory nature pointing out that the applicant may be considered for JE's post provided he fulfilled all conditions. Neither any application was received in time from applicant in reference to Employment Notification in February, 1994 nor did he fulfil all the conditions as per office records, submits counsel for respondents.

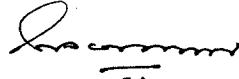
4. We find appeals were made by applicant requesting the authorities for considering his candidature for JE's post but only outside the regular channel

prescribed for such purposes. The fact that he did not apply against the post advertised, indicating essential details for consideration, has not been denied. It was mentioned in the said advertisement that applications submitted directly to the employer (other than candidates residing in the States of Arunachal Pradesh and Sikkim) without the proper channel of Employment Exchanges will not be considered.

5. In view of the position above, we dismiss the application. Dismissal of this application will however not stand in the way of the departmental authorities looking into the case, if otherwise they are inclined.

6. Application is dismissed. No costs.

Dated the 2nd May, 1995.


S. P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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