

Central Administrative Tribunal
Ernakulam Bench

Date of decision: 20-3-1990

Present

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

Original Application No.527/89

K.Aravindan

C.Soman

K.Chandran

- Applicants

V.

1. Central Provident Fund
Commissioner, 9th Floor,
Mayur Bhavan, Cannaught Circle,
New Delhi-110 001.

2. Regional Provident Fund
Commissioner, Kerala,
Pattom.P.O.
Trivandrum-695 004.

- Respondents

M/s CS Rajan, P.Sankarankutty - Counsel for the
Nair & TV Ajayakumar applicants

Mr.C.Kochunni Nair, ACGSC

Mr.P.V.Madhavan Nambiar, SCGSC - Counsel for the
respondents 1&2

O_R_D_E_R

(Shri S.P.Mukerji, Vice Chairman)

In this application dated 2.9.1989, filed under
Section 19 of the Administrative Tribunals Act, the three
applicants who have been working as Upper Division Clerks
in the office of the Regional Provident Fund Commissioner
at Trivandrum, Calicut and Ernakulam have prayed that the
impugned orders at Annexures-V, VIII and X cancelling the
departmental examination scheduled to be held in September,

1989 should be set aside and the respondents be directed to postpone the departmental examination for promotion to the post of Head Clerks/Assistants and to conduct the departmental examination, admitting all those applicants who have applied for the cancelled examination.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. During the pendency of this application, the respondents have issued a circular dated 31.10.1989(Annexure-XI) by which a schedule of departmental examination in ^{lieu} ~~view~~ of the cancelled examination has been promulgated. It has also been stated therein that all those who had earlier applied for appearing in the examination originally scheduled in September, 1989 ^{and} other eligible employees will also be eligible to appear in the postponed examination to be held between 27th and 29th December 1989. It appears that the examination originally scheduled to be held in September, 1989 was cancelled for the reason that there were enough ^{number of} candidates already available, who had qualified in the earlier examinations but who have been waiting for promotion as Head Clerks/Assistants for lack of vacancies. An opportunity was given to these examination qualified candidates to opt for vacancies outside their region, but the response was very poor. Subsequently however, by the order dated 31.10.1989 at Annexure-XI, it appears that the respondents have for reasons best known

to them thought it fit to revive the cancelled examination.

Not only that, they have made all ~~good~~^{those} who have^{eligible} applied for the cancelled examination earlier ~~originally~~^{for} the postponed examination held during December, 1989. The applicants before us had sought the relief confined to the revival of the cancelled examination and ~~they are~~^{their} being allowed to appear in the revived examination. We are fully satisfied (Annex XI) that by the order dated 31.10.1989 by which the cancelled examination was revived and all those who had applied for the cancelled examination allowed to appear in the revived examination, the relief claimed by the applicants before us has been fully met. Not only that, by our interim order dated 30.11.1989, they were further enabled to appear in the examination held in December 1989. The apprehension of the learned counsel for the applicant that the respondents will persist in their policy of not holding future departmental examinations seems to us to be ~~unfounded~~^{speculative} and thoroughly premature.

3. In the facts and circumstances, we see no reason to intervene in the matter, the application is dismissed as infructuous.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

20-3-1990

trs