

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 537 of 2011

Wednesday, this the 16th day of November, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Biju T.G., aged 43 years,
 S/o. V. Gopalapanicker (Late),
 Assistant, Establishment 'A' Branch,
 Department of Secretariat Administration,
 Itanagar – 791 111, Arunachal Pradesh,
 Residing at : Gopalamandiram, Kallalibhagam (PO),
 Karunagappally, Kollam, Kerala State.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India represented by
 The Secretary to the Government of India,
 Ministry of Communications & Information Technology,
 Department of Telecommunications,
 Sanchar Bhavan, 20, Ashoka Road,
 New Delhi – 110 001.
2. The Under Secretary (SEA),
 Telecommunications, Sanchar Bhavan,
 20, Ashoka Road, New Delhi – 110 001.
3. The Controller of Communication Accounts,
 Office of the Controller of Communication Accounts,
 Kerala Circle,
 Thiruvananthapuram-695 033.

Respondents

(By Advocate – Mr. S. Jamal, ACGSC)

This application having been heard on 16.11.2011, the Tribunal on the
 same day delivered the following:



ORDERBy Hon'ble Mr. Justice P.R. Raman, Judicial Member -

The applicant is presently working as an Assistant in the Establishment A Branch of Department of Secretariat Administration, Arunachal Pradesh. The Government of India, Department of Telecommunication proposed to fill up the vacant posts of i) LDCs, ii) Junior Accountant and iii) Senior Accountant, all Group-C non-gazetted posts by appointment on permanent absorption basis as a one time measure in the various offices of Controllers of Communication Accounts located in the places shown in Annexure-I. Annexure A-2 is the notification inviting applications. All persons who fulfil the eligibility condition as prescribed in Annexure-II and are willing to be absorbed in the aforesaid posts were required to apply in the proforma accompanied in Annexure-III. Applicant responded to the notification by putting his application also for consideration. The same was duly forwarded to the concerned authority as is evident from Annexures A-3 and A-4. However, there was no response thereafter from the respondents and the applicant did not know as to why he was not absorbed in the service. According to him he satisfied all the eligibility conditions. Therefore, he is entitled to be absorbed in terms of Annexure A-2 notification.

2. In the reply statement filed by the respondents the only objection seems to be that as against the column to indicate the choice of place on being absorbed permanently among the 25 offices mentioned in Annexure-I, the applicant instead of choosing any particular place has stated "anywhere in India". Hence, no particular place was chosen by him to be permanently



absorbed and therefore, he was declared as a non-serious candidate. Accordingly, his application was not processed.

3. The applicant has made representations Annexures A-7 and A-9 before the appropriate authority which has not been disposed of. Applicant prays for a direction to consider and absorb him as Senior Accountant against any one of the vacancies in Kerala Circle or in the nearby circles and grant him all consequential benefits with those who have already been selected and appointed.

4. We have heard both sides.

5. In the notification inviting applications there is nothing to indicate that unless a person indicates his choice of place for being permanently absorbed his application is liable to be rejected or that he will be considered as a non-serious candidate. On the other hand applicant thought that mentioning of any particular place will entail consideration only against that place whereas he is prepared to work anywhere in India and therefore, he is a more serious candidate to get the employment of being permanently absorbed as Senior Accountant than others. At any rate if at all the department thought that the non-mentioning of any particular place of choice amongst 25 places is serious enough to warrant rejection of his application, necessarily a mention should have been made against it in the notification inviting the application. At any rate the applicant ought to have been given a chance to indicate his choice at least subsequently if the department thought that such absence of mentioning of the place will render the application itself as liable to be rejected.

JM

6. In the factual situation, we feel that since the applicant has made representation Annexure A-7 and opted three places and if there are vacancies in any one of those places his application be considered and disposed of in accordance with law as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order. Ordered accordingly. If there are no vacancies then the applicant be informed accordingly.

7. Original Application stands disposed of as above. No costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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