

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION: 5.1.1990

P R E S E N T

HON'BLE MR.N.V.KRISHNAN - ADMINISTRATIVE MEMBER

AND

HON'BLE MR.A.V.HARIDASAN - JUDICIAL MEMBER

ORIGINAL APPLICATION NO.59/89

1. V Kunhi Raman
2. M Balakrishnan
3. P.A.Chaniya Naik
4. P Vittal Das
5. V.S.Pakeera - Applicants

Versus

The Senior Administrative
Office, Central Plantation
Corps Research Institute,
P.O.Kudlu, Kasargod Taluk. - Respondent

Mr.P.K.Muhammed - Counsel for applicants

Mr.PVM Nambiar,SCGSC - Counsel for respondent

O R D E R

(Mr.A.V.Haridasan, Judicial Member)

The prayers in this application filed under
Section 19 of the Administrative Tribunals Act are
that the records leading to Annexure-A and B orders
issued by the respondent informing the applicants
1, 4 and 5 that their representations for appointment

may be called for and that are being considered A the respondent may be directed to fill up the vacancies of Supporting Staff and Casual Mazdoors which arose subsequent to Annexure-A and B by appointing the petitioners.

2. The facts of the case can be shortly stated thus. The applicants were working under the respondent as Casual Mazdoors for various periods when their services were terminated in 1985, applicants 2 and 3 filed OA K-185/88 and the first petitioner filed OA K-188/88 before this Tribunal for a direction to the respondent to consider them also for appointment in the existing vacancies. The applications were allowed by this Tribunal. The other applicants filed representations for appointment in the vacancies of Mazdoors. The respondent has in Annexure-A and B letters informed the applicants 1, 4 and 5 that their case for appointment was being considered. But since the respondent has not so far appointed the applicants, they have filed this application for a direction to the respondent to appoint them. It is averred in the application that after passing Annexure-A and B orders six vacancies of Supporting Staff and Casual Mazdoor have arisen on account of retirement of six persons and that the respondent is without implementing the order of this Tribunal in OA K-185/88 and OA K-188/88, getting the work done on contract basis.

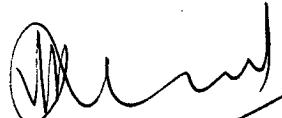
3. The respondent has in the reply statement contended that on the basis of the representations made by the applicants they have been considered for selection to the post of 10 climbers and 2 milchmen, that only one among them, the 5th applicant being found suitable has been appointed with five others sponsored by the Employment Exchange who also were found suitable for appointment and that there was no willing suitable hands for appointment to the remaining seven vacancies, the vacancies were filled by transfer of seven supporting staff from CPCRI Research Centre who had requested for transfer to Kasargod and they were willing to work as climbers. It is also contended that all the applicants were considered for the post of Mazdoors and climbers at various stages and that the direction contained in the orders of this Tribunal to consider the applicants also for appointment subject to their age, seniority, suitability, etc. in accordance with rule has been fully complied with. According to the respondent the applicants are not entitled to any relief.

4. We have heard the arguments of the learned counsel on either side and have also gone through the documents produced. In Annexure-C order of this Tribunal in OA K-185/88 dated 2.5.1988, the respondent was directed to consider the claim of the applicant

for appointment as casual mazdoor incase he submits representation on that behalf within one month of the receipt of the order. Representations submitted by the applicant pursuant to the order were disposed of. This fact is not disputed. Annexure-A and B are the orders on the representations informing the applicants that their cases for appointment would be considered. In the reply statement the respondent has stated that for 12 vacancies, 10 of climbers and 2 of milchmen, those applicants who are willing along with other candidates sponsored by the Employment Exchange were considered and that only the fifth applicant was selected being found suitable while others were not found suitable. The post of Milchmen and climbers, according to the respondent would be filled up only by persons who are willing and able to perform the duties and as among the petitioners, 5th applicant, V.S.Pakeera alone was found suitable others could not be selected. The applicants were considered by the respondent for appointment but the respondent did not find the petitioners other than 5th petitioner suitable for appointment. It is not just and proper for this Tribunal to direct the respondent to appoint the other applicants as Tree Climbers or Milchmen for which post they were found

unsuitable by the respondent. In these circumstances we do not find that there is any legitimate grievance for the applicants to be redressed.

5. In the result the application fails and the same is dismissed without costs.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(N.V.KRISHNAN)
ADMINISTRATIVE MEMBER

5.1.1990