

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED THE THIRTY FIRST DAY OF OCTOBER ONE THOUSAND NINE  
HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 582/89

V. Sivadas

Applicant

Vs.

1. The Flag Officer,  
Commanding-in-Chief,  
Headquarters,  
Southern Naval Command  
Cochin-682004

2. Civilian Gazetted Officer,  
Head Quarters, Southern Naval  
Command, Cochin-682004 and

3. Union of India represented by  
Secretary to Department of  
Defence, Central Secretariat,  
New Delhi

Respondents

Mr. Johnson Manayani

Counsel for the  
applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the  
respondents

JUDGMENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

This application has been filed by the applicant as he is aggrieved by his not being appointed as Welder (SK). It is stated that he was regularly selected (Annexure-B) and he was also required to complete certain formalities in this connection which was done by him. But nevertheless, he was not appointed.

2. When the application came up for admission, we wanted to ascertain the facts from the counsel for the respondents.

Accordingly, a statement has been filed on behalf of the

respondents on 23.10.89. Further clarifications regarding that statement were offered today.

3. It appears that the post of Welder (SK) is to be filled up by promotion failing which by transfer and failing both by direct recruitment. In the present case, it is averred that ~~xxx~~ the first two avenues of recruitment did not give any result and therefore direct recruitment was resorted to.

4. It is admitted that the applicant was selected but as the vacancy was reserved for a Scheduled Caste, another candidate Mr. V. V. Ghosh who was the last of the nine provisionally selected candidates was appointed.

5. The counsel for respondents has produced before us an extract of the Register required to be maintained to ensure that the reservation for the Scheduled Caste is given effect to. It is noticed that the 12th point in the Roster was reserved for a Scheduled Caste. This vacancy arose in 1987. But it was filled up by a general candidate one Shri Mathaikutty. The vacancy was therefore carried over to next year, 1988 when as mentioned above V. V. Ghosh a Scheduled Caste candidate was appointed.

6. In the circumstances, we find that there is no irregularity committed by the respondents in not offering the appointment to the applicant and therefore this application deserves to be rejected.

7. However, before passing such an order, we would like to refer to a request made by the applicant viz. that the selection already made for the direct recruitment in which he and 8 others were selected and in which he stands fourth may be kept alive and that in case any vacancy arises which is to be filled up by direct recruitment, persons from this list alone may be considered by the respondents for appointment and that they may not go in for any fresh direct recruitment before exhausting this list. The counsel for Respondents agreed that this list will be kept alive to the extent necessary and that if any direct recruitment is made, candidates from this list will be picked up for appointment. We note and record this submission of the Respondents.

8. In the circumstances, we reject the application.

*N. Dharmadan*

(N. Dharmadan) 31/10/89

Judicial Member

*N. V. Krishnan*

(N. V. Krishnan)  
Administrative Member

knn