

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.606/2002

Tuesday this the 14th day of November, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.R.Kochuthressia
W/o late P.V Thomas
aged 42 years, residing at Pallath House,
Puthiakavu, Tripunithura,
Ernakulam. ...Applicant

(By Advocate Mr. Hari Sharma M)

V

1. Union of India, rep. by its
secretary to Government,
Ministry of Defence, GOI, New Delhi.
2. Chief of Naval Staff,
Naval Headquarters,
New Delhi.11.
3. Flag Officer Commanding in Chief
Southern Naval Command,
Kochi.4.
4. Chief Staff Officer (P&A)
Southern Naval Command,
Kochi.4. ...Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 14.11.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant is that
after she had been selected for appointment to the
post of Unskilled Labourer in the scale
Rs.2550-55-2660-60-3200 and offered appointment by
order dated 12.9.2001 (A2), she has been informed by
the Annexure.A3 order dated 18.9.2001 that the offer
stands cancelled. Alleging that the cancellation

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of the offer of appointment is illegal and arbitrary, the applicant has filed this application seeking to set aside Annexure.A3 and to direct the respondents to appoint the applicant to the post mentioned in A2.

2. The respondents have filed a reply statement detailing the circumstances under which the selection of the applicant and similar others has been cancelled. It has been contended in the reply statement that in the year 1996-97 60 candidates were selected for appointment to the post of Unskilled Labourers, that the list was subsequently cancelled, that a further notification was issued to the Employment Exchange and further selection was held for making recruitment to the above posts, that the applicant was one among the persons who were selected, that the persons who were earlier selected filed OA 450/99 and OA 768/99 before the Tribunal against the cancellation of the select list and notification for recruitment, that the OA was allowed setting aside the subsequent selection and directed appointment to be made from the first select list, though the respondents filed OP before the Hon'ble High Court of Kerala the High Court dismissed the Original Petition , that persons similarly situated like the applicant filed OA 52/02 against cancellation of the offer of appointment made to them and the Tribunal rejected their claim and that the applicant is also similarly situated as the applicant in OA 52/02 and as vacancies are not available for making appointment of persons like the applicant, the respondents contend that the applicant do not have a legitimate cause of action.

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3. We have perused the materials placed on record and have heard the learned counsel on either side. Although the applicant was offered an appointment, the appointment could not be given effect to for the reason that the Tribunal in OA 450/99 and 768/99 directed appointments to be made from the first select list, the claim of similarly situated persons like the applicant has been rejected by the Tribunal in its order in OA 52/02. Under these circumstances we find no basis for the claim of the applicant. The respondents had no option but to cancel the offer given to the applicant in terms of the Orders of the Tribunal which the respondents are bound to implement. The Original Application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 14th day of November, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-I: True copy of call letter dated 13.6.2001 No.2702 issued by the 4th respondent.
2. A-II: True copy of letter dated 12.9.2001 No.CS 2702 issued by the 4th respondent.
3. A-III: True copy of order dated 18.9.2001 of the 4th respondent on behalf of 3rd respondent No.CS 2702.
4. A-IV: True copy of order dated 8.8.1998 No.GO (MS) 48/98/Empl. of the Government of Kerala.
5. A-V: English translation of Annexure A-IV.

Respondents' Annexures:

1. R-1: True photocopy of Govt. of India, Ministry of Personnel, P.G & Pension, DOP&T OM No.51016/2/90-Estt(C) dated 10th Sep. 1993.
2. R-2: True photocopy of Hon'ble CAT Order dated 19th September, 2000 in OAs 450/99 and 768/99.
3. R-3: True photocopy of Hon'ble High Court of Kerala Judgement dated 12th Oct 2001 in OP 32536/2000.
4. R-4: True photocopy of Hon'ble High Court of Kerala order dated 3rd Jan. 2002 in CMP 884/2002 in OP 32536/2000.
5. R-5: True photocopy of Hon'ble CAT Order dated 4th Jun. 2002 in OA 52/2002.
6. R-6: Extract of existing Govt. Order promulgated vide DOP&T O.M 43019/28/86-Estt(D) dated 1st Feb. 1999.

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27.11.02