

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. No. 8 OF 2004**

Thursday, this the 1<sup>st</sup> day of September, 2005.

**CORAM :**

HON'BLE Mr.K.V.SACHIDANANDAN, JUDICIAL MEMBER  
HON'BLE Mr. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

B.Abdul Shukoor  
Research Officer(Agricultural Census)  
Directorate of Agriculture, Kavaratti : Applicant

(By Advocate Mr.A.V.M.Salahuddeen )

Versus

1. Union of India represented by the  
Secretary to the Government of India  
Ministry of Home Affairs, New Delhi.
2. The Administrator  
Union Territory of Lakshadweep,  
Kavaratti : Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan, SCGSC(R-1)  
Mr.S.Radhakrishnan, R-2 )

The application having been heard on 01.09.2005, the Tribunal on the same day delivered the following :

**ORDER (Oral)**

**HON'BLE Mr. K.V. SACHIDANANDAN, JUDICIAL MEMBER**

The applicant started his career as Statistical Assistant in the Lakshadweep Administration on 23.09.1976 and was promoted to the post of Research Officer (Planning) on 20.01.1989. He continued on that post till 03.06.1995. The applicant was transferred and posted as Senior Statistical Officer (Education) and also simultaneously directed to do the work as Research Officer (Planning). The applicant has been in the post of Research Officer (Planning). By notification dated 01.03.1995, the 1<sup>st</sup> respondent extended the Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service (DANIC Service in short) in the territory of Lakshadweep. The said notification identified 13 posts and the officers working against these posts are eligible for induction to DANIC



Service. One such post of Research Officer (Planning) was re-designated as Assistant Director (Planning) by office order dated 06.07.1995. The applicant was holding the post of Research Officer (Planning) as on the date of extension of DANIC Service and on re-designation of the post of Assistant Director (Planning) he became eligible to be inducted into DANIC Service. The juniors of the applicant were inducted to DANIC Services overlooking the seniority of the applicant. He represented before the 1<sup>st</sup> respondent and since the respondent failed to act on the representation, the applicant has filed OA 788/99 which was disposed of by this Tribunal directing the respondent to consider and pass appropriate orders on the representation of the applicant. Vide Annexure A-3 dated 25.09.2003 the claim of the applicant was rejected stating that he was holding the post of Sr. Statistical Officer at the time of introduction of DANIC Service; and therefore, the applicant was not eligible to be inducted into DANIC Service.

2. The respondents have filed a detailed reply statement contending that the erstwhile Delhi and Andaman & Nicobar Islands Civil Service constituted through the Delhi and Andaman & Nicobar Islands Civil Service Rules, 1971 was extended to the Lakshadweep Administration in 1995 through the Delhi, Andaman & Nicobar Islands and Lakshadweep Civil Service Rules, 1995 (for short DANIL CS Rules, 1995) and the service was renamed as DANIL Civil Service. The 13 posts under the Lakshadweep Administration was encadred in DANIL Civil Service, vide Rule 4 (1), read with Schedule 1 to these Rules. Respondents contend that there are two issues involved in this O.A. (i) To encadre the post of Research Officer (Agricultural Census) under the Lakshadweep Administration, held by the applicant on regular basis in the DANIL Civil Service and to induct him on regular basis in the DANIL Civil Service from the date he regularly held the said post and (ii) to induct him from the date his juniors were appointed to the service. The educational qualifications and experience prescribed in the Recruitment Rules for the post of Research Officer (Agricultural Census) were specific qualifications meant for a technical post, which could not be filled up by a generalist officer belonging to the DANIL Civil Service and therefore, the said post could not, in the exigencies of the public service, be

encadred in the DANI Civil Service and that none of the juniors to the applicant in the post of Research Officer (Agricultural Census) was inducted into DANICS so far on extension of the service to the U.T. Of Lakshadweep.

3. Mr.A.V.M.Salahuddeen, learned counsel appeared for the applicant and Mr. T.P.M.Ibrahim Khan, SCGSC appeared for R 1 and Mr.S.Radhakrishnan for R 2.

4. The learned counsel for respondents has brought to our notice Annexure R-1 the Delhi, Andaman & Nicobar Islands, Civil Service Rules, 1971 which relates to the induction into DANIC Service Initial constitution of Service and the rules governing the same (Clause 6 (2) ) is quoted below :-

“ All the existing officers of Lakshadweep Administration holding posts which have been encadred in the service shall continue to be in their respective posts and grades as existed before commencement of these rules till they become members of the service after their suitability has been assessed by the Commission. In case they are assessed suitable they shall be deemed to have been appointed to the appropriate grade from the date(s) of their regular appointment to such grades. In case any officer is not found suitable for appointment to the service, the encadred post held by him/her regularly will be treated as ex-cadre till he/she is inducted into the service or vacates the post and his/her case will be reviewed every year. “

5. On going through Annexure R-1, we find that Assistant Director (Planning) is also identified as one post.

6. The specific contention of the applicant is that he is having lien in his original post as Research Officer (Planning) he will be also eligible for induction into the DANIC Service. The ground that was given in rejecting his claim was that the specific qualification for Research Officer (Agricultural Census) meant for a technical post may not be encadred in the DANIC Service.

7. When the matter came up for hearing, the learned counsel for respondents submitted that it being a policy matter involving Recruitment



Rules, which is not under challenge, the powers of this Court in making any interference is very much limited. However, the learned counsel for applicant submitted that the applicant may be permitted to make a comprehensive representation again to the Administrator with a direction to forward the same to the appropriate authority and take decision accordingly.

8. In the interest of justice we permit the applicant to make such a representation within one month and if such a representation is received the respondent shall consider the same as indicated above and give appropriate reply/order.

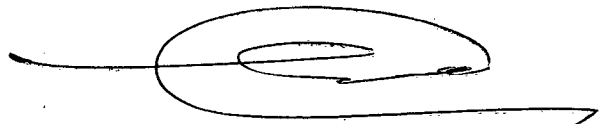
9. The learned counsel for applicant submitted that before a decision is taken he may be given an opportunity to be heard in person by the competent authority, if necessary. This can be done at the expense of the applicant.

10. The O.A is disposed of accordingly. No order as to costs.

Dated, the 1<sup>st</sup> September, 2005



**N.RAMAKRISHNAN**  
**ADMINISTRATIVE MEMBER**



**K.V.SACHIDANANDAN**  
**JUDICIAL MEMBER**

vs