

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 9 OF 2011**

Monday, this the 19<sup>th</sup> day of March, 2012

**CORAM:**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Nidheesh K.S.  
Karayil House  
Nidhi, Beach Road, Edamuttam  
Trichur – 680 568

... Applicant

(By Advocate Mr.M.R.Hariraj )

versus

1. Union of India represented by the Secretary  
to Government of India  
Department of Telecommunications  
New Delhi – 110 001
  2. Bharat Sanchar Nigam Limited  
represented by its Chairman and Managing Director  
Bharat Sanchar Bhavan  
Harish Chandra Mathur Lane  
Janpath  
New Delhi – 110 001
  3. Chief General Manager  
Telecom, BSNL  
Thiruvananthapuram – 33
  4. Principal General Manager  
Telecom, Trichur – 22
  5. Sasikumar K  
Telecom Technical Assistant  
Trichur SSA  
through the 4<sup>th</sup> respondent
- ... Respondents

(By Advocate Mr. Johnson Gomez (R2-4) )

The application having been heard on 19.03.2012, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**

The applicant was a candidate for selection to the post of Telecom Technical Assistant in the Trichur Secondary Switching Area (SSA). Ten vacancies



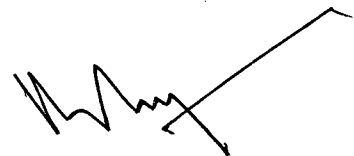
were notified and select list was prepared and published. Annexure A-2 is the selection list dated 31.03.2009. Applicant was at Sl.No.2 in the waiting list. The validity of the waiting list as per guidelines prescribed in Annexure R-1 (a) is for a period of one year, upto 31.03.2010. His case is that Shri Sibin K Zacharia and Shri Vijoy after getting appointment resigned within a period of one year in which case the applicant ought to have been appointed in the vacancy. In the reply statement it is contended that in the vacancy of Shri Sibin K Zacharia, Kum.Umadevi K.S was appointed who is 1<sup>st</sup> in the waiting list. The other person resigned from the post on 30.04.2010 after one year. Therefore, the question of appointment of the applicant did not arise. In para 4 of the statement of facts the applicant has stated that one Umadevi appointed in the vacancy of Sibin K Zacharia also resigned from the post during the training period. But there is no allegation that Umadevi resigned from the post within one year during the validity of the selection list. Therefore, if Umadevi did not resign from the post within one year, necessarily the applicant has no claim for appointment merely because he was in the select list. Even otherwise, mere inclusion in the waiting list does not create any indefeasible right for appointment.

2. The fact being as stated above, there arises no merit in the contentions of the applicant. Hence OA is **dismissed**. No costs.

Dated, the 19<sup>th</sup> March, 2012.



**K GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE P.R.RAMAN**  
**JUDICIAL MEMBER**

VS