

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA NO.10/2006

Friday this the 20th day of July, 2007

Coram:

Hon'ble Mrs.Sathi Nair, Vice Chairman

Hon'ble Mr.George Paracken, Judicial Member

M.K.Abdul Salam,
Assistant Surveyor of Works,
Lakshadweep Public Works Department,
Division Office, Amini,
residing at
Mukrikakkudi House, Kadamath
Lakshadweep.

... Applicant

By Advocate Mr.P.A.Kumaran for
Mr.M.R.Hariraj

V/s.

- 1 Superintending Engineer,
Lakshadweep Public Works Department,
Kavarathy.
- 2 Administrator,
Union of Territory of Lakshadweep,
Kavarathy.
- 3 Union of India
represented by the Secretary,
Ministry of Urban Affairs,
New Delhi.
- 4 Arun Jadev,
Assistant Surveyor of Works,
Lakshadweep Public Works Department,
Division Office, Kalpeni.
- 5 K.Yoonis Haji,
Assistant Engineer,
Public Works Department,
Kiltan Islands, Lakshadweep,
Residing at
Kattagm House, Kiltan Islands,
Lakshadweep.

... Respondents

By Advocates Mr.Shafik M.A. (R 1-2)
Mr.Varghese P Thomas (R 3)
Mr.Saji Varghese (R4)
Mr.T.C.G.Swamy (R5)

This OA having been heard on 20th July,2007, the Tribunal on the same day delivered the following:-

(ORDER)

Hon'ble Mrs.Sathi Nair, Vice Chairman

When this matter came up today, counsel for the parties submitted that the decision of this Tribunal allowing the OA-689/2006 decided on 28/6/2007 in which the applicant herein was the 5th respondent squarely covers this case by which respondents were directed to fill up the current vacancy by Diploma Holder Assistant Engineer and in case the vacancy could not be filled up on account of non-availability of suitable Diploma holder Assistant Engineer, that vacancy must be filled up by deputation as per the Recruitment Rules under "failing which" clause.

2 In the light of the directions given in the above OA, the relief claimed by the applicant cannot be granted.

The OA is dismissed.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp