

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.11/99

Wednesday, this the 3rd day of November, 1999.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Deepa.K:R.
Daughter of Krishnankutty Nair,
Deepa Nivas, Avanavancheri.P.O.
Attingal,
Trivandrum-695 103. - Applicant

By Advocate Mr K.L.Narasimhan

vs

1. Union of India represented by
its Secretary,
Ministry of Civil Aviation,
New Delhi.

2. Director,
Staff Selection Commission,
Government of India,
Department of Personnel & Training,
1st Floor, E-Wing, Kendriya Sadan,
Block No.2, Koramangala,
Bangalore.

3. Secretary,
Government of India,
Department of Personnel & Training,
Staff Selection Commision,
Kendriya Karyalay Parisar,
Lodhi Road,
New Delhi. - Respondents

By Advocate Mr K Shri Hari Rao, ACGSC

The application having been heard on 3.11.99, the
Tribunal on the same day delivered the following:

ORDER

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

In the examination held for the Assistant
Grade(Main) Examination, 1996 for recruitment to the post
of Assistants in Ministries/attached offices etc. of the

Government of India on 27.7.97, the applicant participated and being successful was placed at 2nd rank in merit list in the category of Other Departments. She was, by letter dated 19.1.98 A-V of the 2nd respondent informed that she has been selected for appointment as Assistant in the Department of Personnel & Training and that her dossier has been sent to the Staff Selection Commission headquarters at New Delhi for nomination. The applicant on 12.2.98 sent a letter to the Under Secretary(Nomination), DOPT, Staff Selection Commission, Kendriya Karyalay Parisar, Lodhi Road, New Delhi requesting that she may be allotted to any Department/Office in the Kerala-Karnataka region or nearby region as mentioned in the LODESTAR and Employment News and indicating that in the application submitted by her, she had opted Other Departments/Offices. Finding no response, she made another representation to the Chairman, Staff Selection Commission on 12.3.98 repeating the request. However, the applicant received A-I letter dated 5.3.98 by which she was informed that she has been nominated to the Civil Aviation Ministry for appointment as Assistant of Central Secretariat Service, a Group 'B' Non-Gazetted post and was requested to intimate the Ministry forthwith, not later than 31.3.98 whether she was willing to join the Ministry for the said appointment or not. Though the applicant signified her willingness to join the Ministry of Civil Aviation, she did not get a posting to Kerala/Karnataka region and therefore, she made a request for extension of time to take up the assignment. The applicant was by letter dated 30.10.98 A-II, informed that she has been granted extension of time upto 15.1.99 failing which the offer of appointment would stand cancelled. The applicant aggrieved by that

has filed this application for the following reliefs:

"(1) To call for the records leading to the issue of A-I dated 5.3.98, examine its legality/propriety in the light of criteria laid down under A-III and quash A-I in so far it denies appointment to the applicant has opted by her on the strength of second rank secured by her;

(2) Direct the respondent to appoint the applicant in any of the vacancies existed/existing in the Karnataka-Kerala region/nearby region which are sought to be filled up by recruitment of Assistants 1999,

(3) To quash A-II as it is violative of the provisions contained in A-III

(4) Direct the respondents to consider representation A-VI and A-VII objectively and in conformity with the stipulations in A-III and grant the relief."

2. In the reply statement filed on behalf of the respondents, the respondents have contended that the applicant had to opt within the categories A, B, C and D mentioned in A-III notification and no choice to separate fraction within each category and that the claim of the applicant that she is entitled to a posting to Kerala/Karnataka region alone has no legal support. It is also mentioned that under the Civil Aviation Ministry, there is no post in the Kerala/Karnataka region on which the applicant could be accommodated. It is further contended that the applicant had been informed by letter dated 20.5.99 that the offer of appointment had automatically lapsed on expiry of six months on 13.4.99. However, they have indicated that revival of the offer of appointment, determination of seniority and

re-nomination to Kerala/Karnataka region etc. would be taken up on the basis of the decision of the Tribunal in this case.

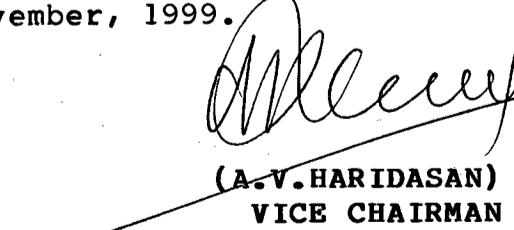
3. When the application came up for hearing today, learned counsel on either side agreed that the application may be disposed of directing the 3rd respondent to consider the representation of the applicant A-VI keeping in view the terms of paragraph 2 and 5 of A-III notification, the option indicated by the applicant in her application form and other rules and instructions on the subject as also the relevant facts like availability of vacancy etc. and to give the applicant an appropriate reply within a reasonable time.

4. In the light of the above submission by the learned counsel on either side, we dispose of this application with a direction to the 3rd respondent to consider A-VI representaton submitted by the applicant, taking into consideration the stipulations in paragraph 2 and 5 of A-III, the option if any, expressed by the applicant in her application, the position of the applicant in the rank list, other facts and circumstances like availability of vacancy in Kerala/Karnataka or nearby region, rules and instructions on the subject, notwithstanding that the extended time for joining expired on 13.4.99 and to give the applicant a speaking order within a period of four months from the date of receipt of a copy of this order. No costs.

Dated, the 3rd of November, 1999.



(G. RAMAKRISHNAN)
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)
VICE CHAIRMAN

List of Annexures referred to in the Order:

1. A-I: True copy of the letter dated 5.3.98 No.12025/12/96 Admn. Govt. of India, M/o Civil Aviation - addressed to the applicant.
2. A-II: True copy of the letter dated 30.10.98 A 12025/12/96/Admn. Govt. of India, M/o Civil Aviation, addressed to the applicant.
3. A-III: True copy of the results - Recruitment Assistants 1996 appeared in Employment News paper dated 13-19 December, 1997.
4. A-V: True copy of the communication No.7/1/SSC(kk) dated 19.1.98 sent to the applicant by the SSC.
5. A-VI: True copy of the representation dated 12.2.98 addressed to the 3rd respondent.
6. A-VII: True copy of the representation dated 12.3.98 addressed to the 2nd respondent SSC.