

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 140 of 1991
T. A. No.

DATE OF DECISION 2-8-1991

TP Davassay Applicant (s)

MR Rajendran Nair Advocate for the Applicant (s)

Versus

Assistant General Manager Respondent (s)
(Admn.) Telecommunication, Ernakulam & 3 others

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s) 1-4

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

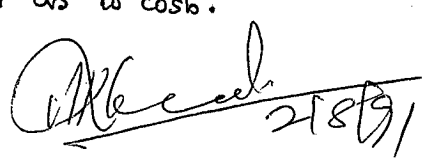
JUDGEMENT


(Mr SP Mukerji, Vice Chairman)

We have heard the learned counsel for the parties on this application which is a 'fall-out' from our judgement dated 31.1.1990 in OA-1/89. The applicant before us was regularly selected for the post of Driver and appointed as such on the basis of the selection made in February, 1989 for the vacancies of 1988. In para 3 which is the operative portion of the aforesaid judgement, ^{in OA-1/89} moved by another candidate who had not been considered or selected, we made it clear that we would not like to go into the merits of the selection by which the applicant before us amongst others ^{was} ~~was~~ selected. We however, directed the respondents to reconvene another meeting of the

selection committee for reassessing the applicant ^{in OAI of 1989} ~~on 31.1.1990~~,
along with
who had not been considered, / other eligible candidates and
fill up the vacancies which remained/unfilled during 1987 and
1988 because of the shorter panel drawn up in 1989. The
respondents misinterpreted the direction so as to mean as if
the entire selection by which the shorter panel ^{had been} ~~was~~ prepared
had been set aside by us. We clarify that this was never our
intention and ^{we} ~~would~~ made it clear in our judgement that only
the unfilled vacancies were to be filled up by considering
those ^{eligible} candidates who had not considered by the selection
committee. The shorter panel remained untouched by us.

2. In the circumstances, we allow this original application
and direct that the applicant who had been selected and appointed
as Driver against the 1989 vacancy ^{shall} ~~and~~ remain undisturbed by
the implementation of our aforesaid judgement as clarified
above. Accordingly, the notice at Annexure-I is quashed, with no
order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(SP MUKERJI)
VICE CHAIRMAN

2-8-1991

trs