

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
T. A. No.

141

1991

DATE OF DECISION

2.4.91

Jolly Paul C. _____ Applicant (s)

Mr. P. Kesavan Nair

Advocate for the Applicant (s)

Versus
UOI, Deptt. of Communication,
New Delhi and another _____ Respondent (s)

Mr. N. N. Sugunapalan SCGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. A. V. HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

This application has come up for hearing on admission. The respondents have submitted that the applicant is not eligible for consideration for appointment to the post of Junior Telecom Officer in view of the fact that by Annexure A-1 notification relating to the selection it has been made very clear that the selection will be strictly according to the order of merit on the basis of the aggregate marks obtained in the Degree Examination to the extent of vacancies. Admittedly, there were only 214 vacancies and with a cut off at 79% aggregate marks.

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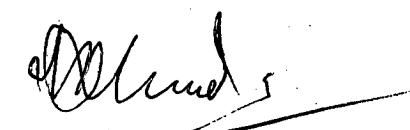
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244 candidates are already in the field which does not include the applicant. This is more than sufficient to select the number of candidates.

2. The learned counsel for the applicant submits that by the earlier order of the Tribunal dated 29.6.90 in O.A. 350/90 Annexure A-3, the merits of the case was not considered because the respondents then submitted that when further steps for selection on 9.7.90 is held, the applicant's claim for selection would also be considered. When the applicant's counsel was satisfied with this statement that O.A. was disposed of on the basis of this assurance. It cannot be contended that because of this assurance the respondents then intended to make an exception in favour of the applicant by breaching the condition laid down in the selection mentioned in Annexure A-1. There was only an assurance of consideration that has been given and the applicant has not been selected in accordance with the condition in A-1

3. We also notice that even in the present application Annexure A-1 method of selection has not been impugned in any manner.

4. In the circumstances we see no merit in the application. It is rejected. *en limine*



(A. V. HARIDASAN)
JUDICIAL MEMBER



(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER