

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.182 of 1994

Thursday this the 24th day of March, 1994

CORAM

Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman  
Hon'ble Mr. P.V. Venkatakrishnan, Administrative Member

M.V. Latha, D/o K. Gopalan Nair  
Marayath House,  
PO Kuttippuram,  
Malappuram District.

...Applicant

(By Advocate M/s KP Dandapani & Jaju Babu)

Vs.

1. The Administrative Officer,  
Recruitment Section,  
Liquid Propulsion Systems Centre,  
Valiamala, Trivandrum.

2. Liquid Propulsion System Centre  
Valiamala, Trivandrum  
rep. by its Chairman.

....Respondents

(By Advocate Mr. Mathew J Nedumpara, Addl. CGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that she is entitled to be appointed as Office Clerk 'A' in the grade of Rs.950-1500. Admittedly she found a place at Sl. 8 in the Rank List. There were eight vacancies. Eight persons were appointed. Since the 8th was from the reserved category (applicant was No. sl.8) she did not get it.

2. Two similar applications came up before us earlier and we disposed of the same (OAs 1437/93 and 21/94). Applicants therein were ranked below the last available vacancy. Applicant holds the 8th place in the rank list while there are eight vacancies.

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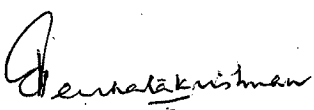
She lost the eighth vacancy only because of reservation. Applicant who had a legitimate expectation, in a broad sense and whose expectation would have been fulfilled by reason of her ranking (but for a reserved candidate) should be considered favourably. Files were placed before us and the Standing Counsel submitted that the Department was sympathetic but that nothing could be done.

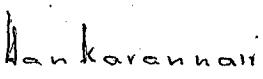
3. Though the applicant is willing to take the next chance, next chance cannot take her in because, of her age limit.

4. In the circumstances, we direct the case of applicant to be considered if an adhoc vacancy arises between now and before the next select list is finalised.

5. Application is disposed of with the aforesaid direction. No costs.

Dated 24th March, 1994.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 1437/93

Tuesday, the sixteenth day of November, 1993

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. P.V. VENKATAKRISHNAN MEMBER (ADMINISTRATIVE)

C.K. Girija  
Chettiyampurath House,  
Vannappuram P.O.  
Idukki District

Applicant

By Mr. George Thomas

vs.

1. Union of India represented by  
the Secretary, Deptt. of Space  
New Delhi
2. The Administrative Officer  
Liquid Propulsion Systems Centre  
Velimala, Thiruvananthapuram

Respondents

By Mr. George C.P. Tharakan, SCGSC

ORDER

N. DHARMADAN

After her name found a place in the select list the applicant filed this application under section 19 of the Administrative Tribunals' Act for a declaration that she is entitled to be appointed as Office Clerk-A under the respondents in spite of the fact that the currency period of the list has already expired.

2. The applicant who appeared in the test and interview for the post of Office Clerk 'A' was selected and included in the panel. She is Rank No. 10 in the list. Persons upto the rank of 7 has already been appointed. Originally, the period of validity of the list was one year; but it was extended for a further period of six months. The validity of the list expired in June, 1993. According to the applicant, there were vacancies and the applicant would have been appointed before the expiry of the period of the list. Applicant submitted Annexure-A-3 representation; it was not disposed of so far.

3. Respondents have filed reply stating that the applicant could not be appointed for want of vacancies.

The currency period of the select list expired on June, 1993 and since there was no vacancy for appointing the applicant as Office Clerk 'A', the applicant could not be appointed; hence, there is no merit in the original application; it is only to be rejected.

4. Regarding the contention of the applicant that in a similar case O.A. 1880/92, the applicant therein was appointed even after the expiry of the period of the list, respondents have stated that Shri Vinod, the applicant in that case who <sup>secured 4<sup>th</sup></sup> reserved the first rank in the select list was appointed after the expiry of the list because of the administrative delay and latches. They have further stated that since the applicant <sup>in this instance held 4<sup>th</sup></sup> got only tenth rank in the select list and no vacancy existed, she could not be appointed. Her case cannot be compared with the case of Shri Vinod.

5. We have heard learned counsel for both sides and perused the records. The only question that <sup>was</sup> raised by the learned counsel for applicant is discrimination based on article 14 of the Constitution. According to <sup>the</sup> applicant in comparable case of Shri Vinod, <sup>he</sup> has been appointed after the expiry of the currency of the select list. The counsel sought same benefit to be granted to the applicant.

6. After hearing learned counsel for both parties we are of the view that Shri Vinod's case is not comparable to the case of the applicant. Shri Vinod got first rank and the delay in his appointment was due to administrative delay and latches. The applicant <sup>only 4<sup>th</sup></sup> got the tenth rank in the list and only seven vacancies arose during the period of validity of the select list. Hence, the applicant could not be appointed. *There is no existing vacancy at present.*

7. In the light of the above, we see no merit in the application, it is only to be rejected. Accordingly, we dismiss the original application.

8. There shall be no order as to costs.

(P. V. VENKATAKRISHNAN)  
MEMBER (ADMINISTRATIVE)

(N. DHARMADAN)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 21 of 1994

Thursday this the 20th day of January, 1994.

CORAM

THE Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman.

THE Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

P. Binu, Indira mandiram  
Kanjiramkuzhi, Njarakkal,  
Perinad PO, Kollam ..... Applicant

(By Advocate Mr. Poly Mathai)

Vs.

1. The Administrative Officer,  
Recruitment Section,  
Liquid Propulsion System Centre,  
Valiyamala, Thiruvananthapuram.
2. Director, Liquid Propulsion  
System Centre, Valiyamala,  
Thiruvananthapuram.
3. Union of India, represented by  
Secretary to the Government,  
Department of Space, New Delhi. .... Respondents

(By Advocate Mr. C. Kochunni Nair, Sr. CGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

With a vague feeling that his merit has been overlooked in favour of less meritorious persons, applicant moved this Tribunal for a direction to 'appoint him to the post of Office Clerk 'A' forthwith.' In spite of the vague assertion we called for the file to satisfy ourselves whether the selection process was proper. The files produced show that applicant is ranked No. 11 in the Select List and that

appointments have been granted to the first 7 in the Select List. We see no reason to grant any of the reliefs and we do not consider the application as anything more than 'a fishing expedition.'

2. Application is dismissed. No costs.

Dated 20th January, 1994.

P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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