

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.185/2008

Friday this the 4th day of April, 2008.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Muhammed AnVar M.A.,
Vocational Instructor,
Regional Vocational Training Institute for Women,
Kazhakkuttom, Trivandrum, residing at:
Plot No 17, House No.19/946,
Chembaka Housing Colony,
Chalappuram, CALICUT – 673 002. Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India, rep. by the Secretary
to the Government of India,
Ministry of Labour, NEW DELHI.
2. The Director of Training (Women's Training)
Office of the Director General of Training,
Shram Shakthi Bhavan, Ministry of Labour,
NEW DELHI.
3. Regional Director,
Regional Directorate of Apprenticeship Training,
C.T.I. Campus, Guindy, CHENNAI.
4. The Principal,
Regional Vocational Training Institute for Women,
Kazhakkuttom, TRIVANDRUM.
5. The Under Secretary (Estt.),
Department of Biotechnology,
8th Floor, Block No.2, CGO Complex,
Lodhi Road, NEW DELHI – 110 003. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 4th April, 2008,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant is at present working as Vocational Instructor,
Regional Vocational Training Institute for Women, Trivandrum under the 4th

respondent. Vide Annexure A-1 the Ministry of Science and Technology issued a Notification calling for applications for filling up three posts of Junior Analyst(Technical) on deputation/absorption basis. According to the applicant he fulfills all the requisite qualifications and as such he has preferred an application with a covering letter (vide Annexure A-2) dated 7.2.2008. The last date for receipt of the applications by the 5th respondent is two months from the date of publication of the advertisement (i.e. 8.4.2008). The application preferred to by the applicant was forwarded by the 4th respondent to the 3rd respondent, viz., Regional Director, Regional Directorate of Apprenticeship Training, CTI Campus, Guindy, Chennai for onward transmission to the 5th respondent duly enclosing the relevant documents and certification. However, the applicant came to know that the 3rd respondent, instead of forwarding the application to the 5th respondent, returned to the 4th respondent without giving any reasons.

2. The 4th respondent has, informed the applicant about the non-forwarding of the application, but no reasons had been given. It is pertinent to mention here that, the applicant has been served a show cause notice on 12.3.08 in respect of the alleged non-possession of certain certificate, which, as per the Recruitment Rules is essential for the present post of Vocational Instructor. The applicant has already replied to the same. According to the applicant, if at all there may be any reason for non-forwarding of the application it may be by issue of a show cause notice. If so, according to the applicant, such issue of show cause notice cannot be an impediment for forwarding the application.

3. Learned counsel for respondents submits that he has no instructions so far, as the O.A. has been filed only today.

 4. We find that, there is a specific column to be filled by the Head of

Office certifying about the pendency/non-pendency of disciplinary/vigilance case. Even if any vigilance case is pending, this factual position can be incorporated against that column and the application can be sent to the 5th respondent. It is for the 5th respondent to take into account the same and arrive at a decision for further action.

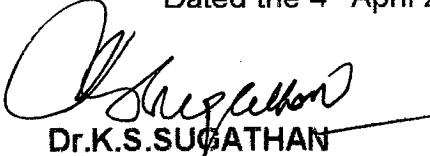
5. This O.A. is therefore, disposed of with a direction to the 4th respondent to immediately forward the application to the 3rd respondent, who will after completing it, will transmit the same to the 5th respondent with attendant documents.

6. As the applicant has submitted his application as early as on 7.2.2008, if at all there is any marginal delay in reaching the application to 5th respondent, he cannot be blamed. As such, if any delay takes place in forwarding the application, the 5th respondent shall treat it as having been submitted within the time.

7. The drill of forwarding the application along with the required documents by the 4th / 3rd respondent shall be completed forthwith.

8. No costs.(Copy be given to the parties).

Dated the 4th April 2008.


Dr.K.S.SUGATHAN
ADMINISTRATIVE MEMBER


Dr.K.B.S.RAJAN
JUDICIAL MEMBER