

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 188 of 2011

Wednesday, this the 6th day of April, 2011

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Koya Mathil, S/o. Late Koya Kidave T.P.,
Mathil House, Androth Island,
Union Territory of Lakshadweep.

..... **Applicant**

(By Advocate – Mr. R. Ramdas)

V e r s u s

1. The Administrator, Union Territory of Lakshadweep,
Kavaratti – 682555.
2. The Director (Services), Administration of the Union
Territory of Lakshadweep, Secretariat,
Kavaratti, U.T. of Lakshadweep – 682 555.
3. The Secretary (Gen. Admn. And Services),
Administration of the Union Territory of
Lakshadweep, Secretariat, Kavaratti,
UT of Lakshadweep-682555.

..... **Respondents**

(By Advocate – Mr. S. Radhakrishanan)

This application having been heard on 06.04.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. George Paracken, Judicial Member –

This is the second round of litigation by the applicant. Earlier, he has approached this Tribunal, vide OA No. 553 of 2010, seeking a direction to dispose of his representations regarding appointment to the post of U.D.Clerk. The said OA was disposed of by this Tribunal vide Annexure A-6 order dated 29.6.2010

directing the respondents to consider the case of the applicant and dispose of his representation within 45 days from the date of receipt of a copy of that order.

2. Pursuant to the aforesaid order of this Tribunal, the respondents have issued Annexure A-7 letter dated 22.2.2011, communicating the following decision taken by them to the applicant:-


“i) Based on the employment notification dated 07.02.2008, for filling up of 2 post of UDC reserved for ex-serviceman, the Director Employment and Training has sponsored names of 8 candidates who are eligible for the post of UDC as per the existing RR. The applicant was among one in the list of candidates.

ii) As the selection criteria for filling up of the post of UDC under DR quota is by merit in the graduation, the candidates being ex-military, all are having graduation certificate only and the matter was referred to the Administrative Reforms Committee with request to resolve the issue.

iii) The Committee suggested that preference be given to the length of service rendered in the defense service and date of birth be considered to give opportunity to senior hands in case of equal length of service.

iv) Accordingly a merit list for selection of two U.D. Clerks for Ex-servicemen based on ARC recommendation will be prepared and published in a week time from 25.02.2011.”

3. The applicant has challenged the aforesaid Annexure A-7 order on the ground that the same was illegal, arbitrary and unreasonable. He has, therefore, sought a direction to the 3rd respondent, namely, the Secretary (Gen. Admn. And Services), Administration of the Union Territory of Lakshadweep, Secretariat, Kavaratti, UT of Lakshadweep to take necessary steps for appointing him to the post of U.D.Clerk as he was the only qualified eligible candidate for appointment to the said post.



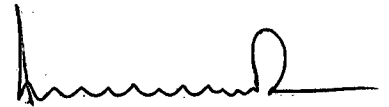
4. The counsel for the respondents has filed a counsel statement today enclosing therewith Annexure R-1(a) office order dated 22nd March, 2011 offering appointment to Group-C post (U.D. Clerk and similar grades) reserved for ex-servicemen to the applicant. According to the learned counsel for the respondents, the applicant accepted the said offer of appointment and thereafter they have issued Annexure R-1(b) office order dated 28.3.2011 appointing the applicant as U.D. Clerk in the Rural Development Cell of District Panchayath, Kavaratti.

5. As the relief sought for by the Applicant in this Original Application has already been granted to him by the respondents themselves vide the aforesaid order of appointment, this OA has now become infructuous and the same is dismissed accordingly.

6. There shall be no order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(GEORGE PARACKEN)
JUDICIAL MEMBER

“SA”