

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.195/2006

MONDAY THIS THE 27th MARCH 2006

C O R A M:

HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

P.B.Thahira Beegum, Puthiyapura Baliyachada House
Amini Island, Lakshadweep

Applicant.

(By Advocate Mr.N.Nagaresh)

Vs.

- 1 Union of India represented by the Secretary
Ministry of Home Affairs, New Delhi.
- 2 Director, Department of Medical & Health Services
Union Territory of Lakshadweep, Kavaratti.
- 3 Secretary, Medical & Health Services
Union Territory of Lakshadweep, Kavaratti

Respondents

(By Advocate Mr.Shafik M.A)

O R D E R

HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN

The applicant in this O.A is seeking appointment to the post of Pharmacist in the Medical & Health Services Department, Kavaratti under Union Territory of Lakshadweep in response to the notification published in the Lakshadweep Times dated 15.2.06, Annx.A4. The applicant is a First Class Diploma holder in Pharmacy from the Directorate of Medical Education, Kerala and her name has been registered in the Kerala State Pharmacy Council, Thiruvananthapuram. She is presently residing in the mainland as a result of her marriage. The notification for employment in the Lakshadweep Times was issued on 15.2.06 and the last date provided for submission of applications was on or before 20.2.06 i.e. 5 days time has been given for the candidates for submission of their

applications.


2 When the matter came up today for hearing the counsel for the applicant submitted that in pursuance of the said notification the applicant has sent her application by post on 18.2.06 and also sent a copy of the same by messenger who has indeed submitted the same on 24.2.06. It was the submission of the counsel that due to scarce transport facilities from the main land to the Islands the application sent by her could not reach the respondents on or before the prescribed date. The applicant has sought the following reliefs:

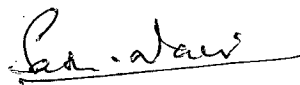
- i) Set aside Annnx. A4 notification to the extent it gives a very short period for submission of application
- ii) Direct the 2nd respondent to consider the candidature of the applicant to the post of Pharmacist, in pursuance of Annexure A4 notification.
- iii) Direct the respondents 2&3 to appoint the applicant as Pharmacist, if she is otherwise qualified for the post and selected in the selection proceedings.
- iv) Issue such other appropriate orders for directions this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case.

3 Mr. Shafik M.A. takes notice on behalf of Respondents 2 & 3 and seeks three weeks time for instructions and filing reply. The counsel for the applicant submitted that as per his knowledge, interview for the said post has started today and may be held tomorrow also and the applicant will be gravely prejudiced if an opportunity is not granted to her for appearing in the interview.

4 We are of the view that five days time prescribed by the respondents for submission of the application for the candidates belonging to all the ten Islands which fall under the Union Territory of Lakshadweep is very short and not at all justified in view of the facts that the Islands are so far situated from each other and communication facilities are scarce and in some cases totally absent. The very short time of 5 days in the notification is not at all sustainable as it amounts to denial of equal opportunities for all. It was incumbent upon the respondents to give a reasonable time to the candidates for submission of their applications, even if it is a supplementary notification to the earlier

notification on 30.10.2005. In view of the above facts and circumstances, in the interest of justice, Annx.A4 notification is to be set aside and accordingly we set aside the same. This will not debar the candidates who have already applied for the post and they need not apply again. We also direct the respondents to issue a fresh notification giving sufficient and reasonable time to the candidates and making the above position clear. The O.A stands disposed of at the stage of admission.


(George Paracken)
Judicial Member


(Sathi Nair)
Vice Chairman.

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