

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 22.12.89

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI A. V. HARIDASAN, JUDICIAL MEMBER

O.A. 225/89

K. N. Vijayan

Applicant

Vs.

1. The Administrator,
Union Territory of Lakshadweep,
P. O. Kavarathi, Lakshadweep &

2. The Executive Engineer,
P. W.D. Lakshadweep
Administration, P.O. Kavarathi,
Lakshadweep

Respondents

M/s. K. Vijayan & P. K. Madhusoodhanan

Counsel for the
applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the
respondents

ORDER

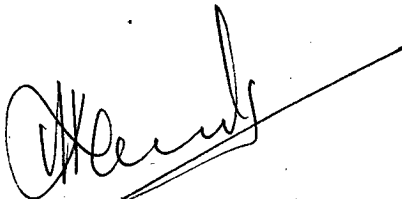
HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant has filed this application to seek a direction to the respondents to retain him in service and to regularise his service as Junior Engineer.

2. When the case was taken up for hearing, the respondents have stated that ^uthe regular appointment of a Scheduled Tribe, who is entitled to hold the post in accordance with the reservation scheme, has been selected and appointed to the post. In the circumstances, the applicant cannot have

any claim to be regularised in that post.

3. Having heard the counsel, we are of the opinion that the applicant has no claim and this application is therefore dismissed.



(A. V. Haridasan)
Judicial Member
22.12.1989



(N. V. Krishnan)
Administrative Member
22.12.1989

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&

HON'BLE SHRI A. V. HARIDASAN, JUDICIAL MEMBER

C.C.P. 20/89 in O.A. 225/89

K. N. Vijayan

Petitioner

Vs.

1. Sri M. R. Chithrasenan,
Asst. Engineer, Housing PWD,
Lakshadweep Administration,
Kavaratti P.O.
2. Sri A. M. Kasmikoya,
Executive Engineer,
PWD Lakshadweep Administration
Kavaratti P.O. and
3. Sri Wajahat Habibulla,
Administrator, Union Territory
of Lakshadweep

Respondents

M/s. Chandrasekharan &
Chandrasekharan

Counsel for the
applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the
respondents

ORDER

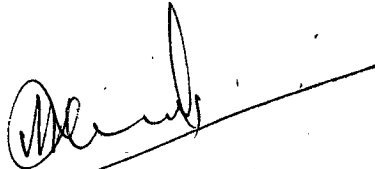
HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The C. C. P. has been filed alleging that the respondents have not complied with and carried out the interim order dated 15.6.1989 and therefore violated it.

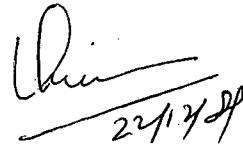
2. We have seen the reply of the respondents. It is stated that the interim order was to the effect that the applicant should be allowed to continue as Junior Engineer till he is replaced by a regularly appointed

candidate and he should not be replaced by another ad hoc appointee. The interim order was passed on the presumption that the applicant was a Junior Engineer on the date of the interim order. The respondents have averred that the applicant has been out of service from 26.4.1989. That being the case, the respondents submitted that it ^{was} ~~is~~ impossible to continue him as Junior Engineer.

3. We find substance in the plea taken by the respondents. The contempt notice issued is therefore discharged.



(A. V. Haridasan)
Judicial Member
22.12.1989



(N. V. Krishnan)
Administrative Member
22.12.1989