

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATED THURSDAY THE TWENTY SEVENTH DAY OF JULY ONE
THOUSAND NINE HUNDRED EIGHTY NINE

PRESENT

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri N.Dharmadan, Judicial Member

ORIGINAL APPLICATION No. 227/87

K. Jayakumar .. Applicant

Vs.

1. The Flag Officer Commanding-in-Chief, Headquarters, Southern Naval Command, Cochin-4.
2. The Naval Armament Supply Officer, Naval Armament Depot, Alwaye.
3. K.O. Abraham.
4. K.M. Radhakrishnan.
5. T.Chandrasekharan
6. P.K. Thankappan.
7. Mathai Scaria. .. Respondents

Counsel for the applicant .. M/s K.Ramakumar,
EM Joseph.

Counsel for the respondents .. Mr. K.Karthikeya Panicker,
Addl.C.G.S.C.
(For R.1 and 2)

O R D E R
(Shri S.P.Mukerji, Vice Chairman)

In this application dated 28.02.1987 filed
under Section 19 of the Administrative Tribunals Act,
the applicant has prayed that the respondents be directed
to appoint him to the existing vacancies of Ammunition
Repair Labourer in preference to Respondents 3 to 7.

According to him, in response to an advertisement issued

by the Headquarters, Southern Naval Command, Cochin he applied for the post of Ammunition Repair Labourer (S.S.K.) in the pay scale of Rs. 210-290. After a trade test and interview held on 23.8.84, the applicant was selected and his name was included in the waiting list and he was informed accordingly by the letter dated 4th September, 1984. His grievance is that though a number of persons from the waiting list have been appointed, he has been deprived of the appointment and ^{1 and 2} the respondents ³ are attempting to promote the departmental candidates. He has drawn the attention of the Tribunal to the decision in T.A.773/86 in respect of the same respondents 1 & 2. The applicant also suspects that respondent No.3 to 7 are being appointed even though they were included in the subsequent select list, by violating his preferential claim.

2. According to the respondents, as a result of the interview and trade test conducted in August, 1984, 79 persons were placed in the provisional select list, out of which 38 persons have been appointed. In accordance with the Recruitment Rules for the post of Ammunition Repair Labourer, direct recruitment can be resorted to only after exhausting the departmental

candidates available for promotion or by transfer.

After exhausting the departmental candidates, an adver-

had been
tisement was issued for the balance and anticipated
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vacancies and the name of the applicant was included
in the waiting list. Subsequently a qualifying test

for departmental candidates was conducted on 10.9.85

and the direct recruits like the applicant who was had been
^ ^
included only in provisional waiting list should be
^ ^ could

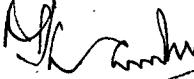
appointed only after the selected departmental candidates
have been accommodated. The respondents have assured
that the applicant would be considered for appointment
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in his turn as and when vacancy arises.
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3. We have heard the arguments of the learned
counsel for both the parties and have gone through the
documents carefully. An identical issue was raised
before the Madras Bench of the Tribunal in T.A.No.773/86
which was disposed of by the judgment dated 10th November,
1986. It was held that since in accordance with the
Rules, promotees have the first preference, ^{the} transferees
the second and direct recruits the last, unless the
eligible departmental candidates are accommodated, the
direct recruits cannot be given any appointment. In the
instant case before us also the respondents do not
dispute the contention of the applicant that he is in
the ^{waiting} ^(1 and 2) select list and they have assured that he will be
^ ^

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given appointment as and when his turn ripens and
there is a vacancy available for direct recruits.

On the basis of this assurance we close this application with the direction that the applicant should be considered for appointment to the post as and when a future vacancy arises in his quota. There will be no order as to costs.


(N. Dharmadan) 27/7/89
Judicial Member


27.7.89
(S.P. Mukerji)
Vice Chairman

27.7.1989

Sn.