

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 266 of 1998.

Wednesday this the 26th day of August, 1998.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

G. Rajeev,  
Chittalamcode House,  
Kodappanakunnu,  
Thiruvananthapuram-5.

.. Applicant

(By Advocate Shri S. Gopakumaran Nair)

Vs.

1. Union of India, represented by the  
Secretary, Ministry of Information  
and Broadcasting, New Delhi-110001.

2. The Director, Doordarshan Kendra,  
Kodappanakunnu, Thiruvananthapuram.

.. Respondents

(By Advocate Shri George Joseph, ACGSC)

The application having been heard on 26th August, 1998,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant was enlisted as Casual Floor Assistant in the Doordarshan Kendra, Trivandrum in the year 1988. While he was working as Casual Artist, he applied for an appointment to the post of Floor Assistant in Doordarshan Kendra pursuant to a notification inviting candidates for appointment as Floor Assistant in the year 1991. The applicant appeared in the interview and he believes that he had done well. Finding that rank list was not published and that he was not being appointed, the applicant has filed O.A. 68/96. When that application came up for hearing, on behalf of respondents it was stated that the respondents have found the applicant eligible for regular appointment as Floor Assistants and he would be appointed in Doordarshan Kendra, Trivandrum as per

his seniority when such a vacancy would arise. Recording the above submission the O.A. was closed. As the appointment of the applicant as expected by him did not materialise the applicant filed O.A. 1261/97 which was disposed of by order dated 3.10.97 with a direction to the applicant to make a representation projecting his grievances regarding his non-appointment within a period of two weeks from the date of the order and with a direction to the first respondent on receipt of such a representation it should be considered in the light of the judgement in O.A. 68/96 keeping in view the vacancy position, the position of the applicant in the select list and other relevant materials and to give the applicant a speaking order within a period of three months from the date of receipt of the order.

2. The first respondent, pursuant to the above order, has issued an order dated 20.1.98 (A-11) wherein it has been stated that the applicant being No. 7 in the select list as there was only six vacancies, he could not be appointed. Further, it has been noted that the applicant is the next person in the order of seniority to be appointed as Floor Assistant at Doordarshan Kendra, Trivandrum, as and when vacancy would arise he would be appointed. It has also been mentioned in the order that the transfer of post from one Kendra to another is not feasible because it would adversely affect the functioning of such Kendras as also the chance of Casual Floor Assistants waiting there. Applicant has challenged this order in this original application (Annexure A-11). It has been alleged in the application that the respondents have not published a panel that it is impossible for him to understand where he stands and that the vacancies as notified have already been filled not

in accordance with the merit of the candidates.

3. The respondents have in their reply statement clarified that the applicant being ranked No. 7 in the select list, and there being only six vacancies he could not be appointed and have indicated that as the applicant is the seniormost casual Floor Artist to be absorbed in group 'D' post he would be appointed when a vacancy would arise. They have also stated that it would not be feasible to transfer a vacancy from other Kendras ~~xxxxxx~~ to this cadre which would create administrative problems and hardships to those who are waiting for the post in other Kendras. With a view to ascertain whether appointments have been made from select list as per seniority, we direct the learned counsel for respondents to produce the select list. We have perused the selection file and connected files and it is found that the position of the applicant is at Sl.No. 7.


4. Since the applicant is only at Sl.No.7 in the select list and as there was only six vacancies the non-appointment of the applicant for the vacancies notified cannot be faulted and therefore, there is no merit in the claim of the applicant in that regard. The respondents have undertaken that they would absorb the applicant as regular Floor Assistant on the occurrence of a vacancy as he is the seniormost Casual Floor Assistant awaiting absorption.


5. In the light of what is stated above, the application is disposed of directing the respondents to absorb the applicant in a group 'C' post as and when a vacancy in group 'C' becomes available without further delay. No costs,

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Corrected as  
per order  
dated 10.12.99  
in R.A.12/99.

13  
14/12/99

Dated the 26th August, 1998.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A11: True copy of order No.2/5/96-S.I/IV(A) 28/1/98 dated 20.1.1998 issued by the 1st respondent to the applicant.

2.

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