

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 282 of 2010**

**Wednesday, this the 21<sup>st</sup> day of September, 2011**

**CORAM:**

**Hon'ble Mr. Justice P.R. Raman, Judicial Member**  
**Hon'ble Mr. K. George Joseph, Administrative Member**

Anu V.S., Velenvilekom, Velivilakom,  
 Vakkom P.O., Thiruvananthapuram-695 308. .... **Applicant**

**(By Advocate – Mr. Vishnu S. Chempazhanthiyil)**

**V e r s u s**

1. Railway Recruitment Board, Represented by the Assistant Secretary, Thiruvananthapuram.
2. The Chief Personnel Officer, Headquarters Office, Personnel Branch, Southern Railway, Chennai-3.
3. Union of India, represented by the General Manager, Southern Railway, Chennai. .... **Respondents**

**(By Advocates – Mr. K.M. Anthru)**

This application having been heard on 21.09.2011, the Tribunal on the same day delivered the following:

**ORDER**

**By Hon'ble Mr. Justice P.R. Raman, Judicial Member -**

The applicant responded to the notification Annexure A-1 inviting applications for Technician Signal Maintainer Grade-III post. 102 vacancies were notified and an on line written examination was held. The applicant appeared in the said examination and he was included in the 30% excess list. According to him despite the fact that there were non-joining vacancies the respondents did not take steps to fill up the vacancies by selecting the



candidates from the list so published. Annexure A-3 is the list published after the examination.

2. The respondents took the stand that even in the notification Annexure A-1 it has been specifically mentioned that the vacancy position may either increase or decrease or become nil depending on the contingency. It is their case that even though 102 vacancies were notified only 61 vacancies were filled up and one candidate from the 30% excess list was also taken who was the senior most among the candidates in the 30% excess list. The applicant's name is much below to that of the said candidate. If only subsequent vacancies had been filled up that there arise any case for the applicant to contend that he should be given appointment with reference to his position in the 30% excess list. It is contended that the names published in the 30% excess list is only prepared in the ascending order and not according to the rank obtained in the examination.

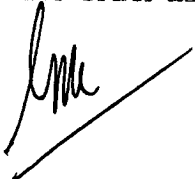
3. We have heard the learned counsel for the applicant Mr. Vishnu S. Chempazhanthiyil and the learned counsel for the respondents Mr. K.M. Anthru.

4. In so far as the vacancies are not filled up the Court cannot issue any direction to fill up the vacancy. Mere inclusion in the select list does not give any indefeasible right to the applicant to be appointed. At the same time vacancies are to be filled up from the select list. In the light of the specific contention of the respondents that only 61 vacancies were filled up that too strictly in accordance with the merit of the candidates in the



selection list, there arises no case for the applicant to contend that he should be appointed merely for the reason that there are vacancies still existing. In this regard it may also be mentioned that the very select list also expired on 31.7.2010.

5. In the above circumstances, we find no merit in the contention raised in the OA to grant any relief as sought for. Accordingly, the OA is dismissed. No order as to costs.



**(K. GEORGE JOSEPH)**  
**ADMINISTRATIVE MEMBER**



**(JUSTICE P.R. RAMAN)**  
**JUDICIAL MEMBER**

**"SA"**