

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.314/93

Thursday, this the 20th day of January, 1994.

**SHRI N DHARMADAN, MEMBER(J)**  
**SHRI S KASIPANDIAN, MEMBER(A)**

John Das C,  
Parankimavila Veedu,  
Mannadikonam,  
Russal Puram P.O.  
Balaramapuram,  
Thiruvananthapuram District. - Applicant

By Advocate M/s CP Ravindranath & EM Joseph

Vs.

1. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi-4.
2. The Civilian Gazetted Officer,  
Staff Officer(Civilians)  
Southern Naval Command,  
Kochi-4.
3. Smt Girija,  
Kannadi Padi,  
Thykooram, Vytila,  
Kochi-19. - Respondents

By Advocate Mr Mathew G Vadakkal, ACGSC

O R D E R

**N DHARMADAN, MEMBER(J)**

In this OA, the challenge is against Annexure-2, by which the applicant was informed that <sup>in</sup> the interview held on 23.11.1992 for the selection to the post of Bearer/Washer, he has not been selected.

2. Earlier when the applicant filed OA-1454/91 for a direction to consider the applicant for appointment as Salesman under the respondent, after hearing the parties as per Annexure-1 judgement, this Tribunal disposed of the OA directing consideration of the claim of the applicant for the post of Salesman. Pursuant to the judgement, on

23.11.1992 an interview was conducted by the respondents for the selection and appointment of a qualified person as Bearer/Washer, four candidates appeared in the interview including the applicant and the third respondent. Third respondent was found to be most suitable for the post and a decision was taken to appoint her. It is under these circumstances that Annexure-2 was issued to the applicant.

3. After hearing the learned counsel on both sides, we do not see any ground to interfere with the Annexure-2 order. There was no irregularity in the selection proceedings. The decision of the authority to appoint the third respondent is unassailable.

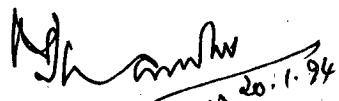
4. The learned counsel for the applicant submitted that one more post of Bearer/Washer is even now existing in the office of the first respondent and that <sup>the</sup> claim of the applicant for appointment can be considered. When he is moved M.P-1366/93 for a direction to the respondents to appoint him in that vacancy, this Tribunal passed an interim order in the following manner:

"We see no reason to grant an interim direction but it will not stand in the way of respondents granting an appointment to the applicant, if they deem it proper to do so. If any other appointment is made, that will be provisional and subject to the result of this application."

5. We maintain this order at the request of the learned counsel for the applicant and we make it clear that if the first respondent deems it fit and proper to consider the applicant also for the remaining vacancy, this judgement is no bar. In the result, we close this application maintaining the order quoted above with the clarification. There will be no order as to costs.

S. Kasi Pandian

(S KASIPANDIAN)  
MEMBER(A)

  
20.1.94

(N DHARMADAN)  
MEMBER(J)