CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 319 of 2004

Wednesday, this the 28th day of April, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1.   Mohammed Rahmathulla, M.V, B.Arch.,
      S/o S.V. Pookoya,
      Architect (Reg.No. CA/98/23539),
      Moulana Veedu, Androth Island,
      UT of Lakshadweep.   ....Applicant

              [By Advocate Mr. Abraham Vakkanal]

                          Versus

1.   The Administrator,
      UT of Lakshadweep, Kavarathi.

2.   The Superintending Engineer,
      Lakshadweep PWD, Circle Office,
      Kavarathi.   ....Respondents

              [By Advocate Mr. S. Radhakrishnan]

        The application having been heard on 28-4-2004, the
        Tribunal on the same day delivered the following:

                        O R D E R

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

        The applicant, who is an Architect by qualification and
profession and claims to have worked on contract basis for
sometime as Assistant Architect under the respondents, has
filed this application for the following reliefs:-

>   "(i)   Direction may kindly be issued to the 1st
>   respondent to approve within a specified time,
>   the A5 Recruitment Rules in respect of the post
>   of Architectural Assistant framed in conformity
>   with the provisions of the Architects' Act,
>   which is pending approval before him, being the
>   competent Authority and to notify the post
>   urgently so as to enable the applicant also to
>   apply for the post before he attains overage of
>   35 years on 17.9.2004.

(ii)   Direction may also be kindly issued to the respondents to appoint the petitioner, the one and only qualified Architect in the Island and who had already rendered meritorious service as Assistant Architect for 4 years under the U.T. of Lakshadweep, as Architectural Assistant on contract basis forthwith, as there is currently no other qualified Architect in the service of LPWD.

(iii)   Direction may also be given to the respondents to disburse the professional fee due to the applicant for the services rendered by him for 3 projects on request from the 2nd respondent and as stated in A-14, within a specified time.

(iv)   Such other reliefs as are just and proper in the circumstances of the case including costs, may also be granted."

2.   It is alleged in the application that the applicant is the only qualified Architect, that he is going to reach his 35th year and that any delay in finalization of the Recruitment Rules and filling up of the vacancy would result in his not getting appointment.

3.   Shri S.Radhakrishnan took notice on behalf of the respondents. Shri Radhakrishnan objected the admission of this application on the ground that the applicant has no locus standi to maintain the application and that he has no valid cause of action.

4.   We have gone through the application and annexures appended thereto and have heard Shri Abraham Vakkanal, learned counsel of the applicant as also Shri S.Radhakrishnan, learned counsel of the respondents.

5.   On going through the entire materials available on record and on hearing the arguments, we are not able to find a cause of action to the applicant which would enable him to maintain this action. Further, the applicant does not have a locus standi to maintain this application. Apart from the averment that he holds a degree in Architecture and had for
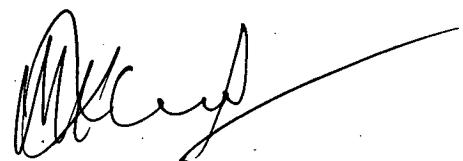
sometime worked on contract basis as Assistant Architect under the respondents, which do not confer on him any right for appointment or to seek amendment of the Recruitment Rules, we are not able to find any valid basis for the applicant's claim for an order directing the respondents to notify the Recruitment Rules and to make recruitment. If amendment of the Recruitment Rules and filling up of vacancy is necessary, the administration would do it at the appropriate time. The applicant has no locus standi to seek a direction to the respondents in that regard.

6.   In the light of what is stated above, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Wednesday, this the 28th day of April, 2004

H.P. DAS
ADMINISTRATIVE MEMBER

A.V. HARIDASAN
VICE CHAIRMAN

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