

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 351/2005

THURSDAY THIS THE 9th DAY OF NOVEMBER, 2006

C O R A M

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER**

Cyril Fernandez
Kuzhiyil House
Valiaveli PO
Thiruvananthapuram.

..Applicant

By Advocate Mr.R.V. Sreejith

Vs.

1 The Director
 Vikram Sarabai Space Centre
 Thumba, Thiruvananthapuram.

2 The Controller
 Vikram Sarabai Space Centre
 Thumba, Thiruvananthapuram.

3 Head P.G.A.
 Vikram Sarabai Space Centre
 Thumba, Thiruvananthapuram.

4 The Administrative Officer
 Vikram Sarabi Space Centre
 Thumba, Thiruvananthapuram.

5 Union of India represented by its Secretary
 Department of Space,
 Andariksha Bhavan
 Bangalore.

..Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

In this Application the applicant has stated his claim that he is eligible to be appointed in any Group-C/Group-D post under the Vikram Sarabai Space Centre (VSSC for short) in view of being a member of the evicted family and having been registered as such as an evicted person with the respondents. He is also aggrieved that overlooking his legitimate right similarly placed persons have been given appointment.

2 The facts briefly stated are as follows. The applicant is a member of an evicted family. He is the grandson of Sebastian John Silva, Kuzhiyil Purayidom, Valiaveli, Attipra village who was evicted from the land in Survey No. 2765/2002 of Attipra Village with the building situated thereon. The above property was acquired for the establishment of ISRO/VSSC. The applicant has passed SSLC Examination and also completed ITI Course in Sheet Metal Work Trade. He has produced a copy of National Trade Certificate and also Certificate as proof for the land having been acquired for setting up the Centre. The applicant had first submitted an application on 24.11.1998 before the 4th respondent for employment in the VSSC under the evicted person category. He was called for an interview on 13.4.1989 to consider him for the post of Attendant-A/Canteen Boy-A/Safaiwala-A. He appeared for the interview. Nothing was

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heard thereafter though six persons stated in para 10 of the OA have been appointed. The applicant again submitted an application on 27.1.1992. He was requested to appear for an interview on 19.8.1992. He appeared for the interview but no communication was sent to the applicant regarding his selection or non-selection. While so, the 4th respondent again by letter dated 17.1.1995 invited application for interview for the post of Safaiwala (Annexure A-9). The applicant appeared for the interview on 17.2.1995 and he was not given any reply with regard to this interview also. The applicant was not invited for any interview thereafter, though he submitted various applications whenever he came to know that there were vacancies. Another detailed petition has been submitted to the 4th respondent (Annexure A-10) and followed by another representation at Annexure A-11. But no final orders have been passed by the respondents in any of these representations. According to the applicant he is qualified and is a member of the evicted family and is entitled for employment in the VSSC. According to the applicant, he is fully qualified for appointment in Group-C and D posts in VSSC. The applicant and the members of the family are having no regular income. Under these circumstances he has approached this Tribunal through this O.A.

3 The respondents have filed a detailed reply statement. It is admitted that for the purpose of establishment and expansion of SRO/VSSC land was acquired from Shri Sebastian John Sila,

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Kuzhiyil Veedu, Valiaveli under LA case No. 36/74. The applicant is the grandson of the said Shri Sebastian John and has been considered as an evictee. It is submitted that ISRO was converted from an autonomous body into a Central Government Organisation under the Department of Space from 1.4.1975. Prior to that in a meeting held sometime in April, 1970 under the presidentship of Dr. Vikram A. Sarabhai, a consensus was reached with the representatives of evicted families that one member from each family shall be considered for suitable employment in VSSC without being sponsored by Employment Exchange within the first three generation, against vacancy and subject to fulfillment of all other requirements for the post by the candidate. Further this consideration was given provided no eligible member of previous two generations has been appointed in VSSC on eviction basis. No assurance/guarantee had been given to any evicted families with regard to employment in VSSC other than that they will be considered along with others without being nominated by Employment Exchange. Further, their selection would be based on assessment of appropriate Selection Committee. It is pertinent to note that all evicted/affected families were given adequate and due compensation for the properties acquired from them for the establishment of VSSC and considering one person from one family for employment in VSSC subject to availability of posts and suitability of the candidate is an additional consideration given to them. No separate scheme for providing employment is available in VSSC for

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evicted families nor any quota is set apart for evicted families. Also mere claim that one is entitled for employment in VSSC as a member of evictee's family does not constitute any right for employment without being eligible for the post as per the Department of Space Recruitment norms and undergoing the process of selection especially since the VSSC being a constituent unit under the Department of Space, Government of India wherein Articles 14 and 16 of the Constitution shall apply. Mere registration with VSSC as evictee does not constitute any right for employment.

4 Based on the above understanding the applicant was informed on 13.4.1989 and that he was placed on the panel for the post of Canteen Boy-A with the presumption that vacancies may occur during the validity of the panel. In the absence of vacancy he could not be offered the post. The applicant was again interviewed for the post of Canteen Boy on 19.8.1992 and in this interview he was not selected but he was informed of the same by Annexure R-1 letter. He was again called for interview for the post of Safaiwala-A on 17.2.1995 Based on the performance in the interview the applicant was selected in the interview. Unfortunately, the applicant could not be offered the post because of ban on recruitment came in to force in September, 1995. The ban is still in force and meanwhile the applicant has crossed the age limit prescribed for Group-D category which is 25 years. Therefore the applicant was not considered further. They have also stated that as per the procedure no

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intimation regarding selection will be given to those candidates placed in the panel. The fact of his non selection in 1992 had been communicated to him. It is further submitted that out of six persons mentioned by him who are appointed, five persons were appointed on the base of evictee status and the VSSC has given maximum possible chance to the evictees by calling for interview. The applicant has no legal or vested enforceable right for employment exclusively on the basis of evictee status.

5 We have heard Shri R. V. Sreejith for the applicant and Mr. M. Rajeev for the SCGSC. The factual position regarding the 'Evictee' status of the applicant is admitted. It is also admitted that the applicant is qualified and eligible to be considered for a Group-D post in the VSSC. But the argument of the respondents is that on that strength alone the applicant cannot be appointed to the post. There was no formal agreement for providing employment to any of the members of the evictee families except the understanding that suitable candidates from each affected family shall be considered for employment against Group-C and Group-D post along with other candidates, provided they are found suitable. The only exemption is that their names must not be sponsored by the Employment Exchange. Accordingly, he was considered by the Selection Committee but he could not be appointed due to want of vacancies within the validity period of the panel or due to non selection, etc. No doubt, the respondents are right in contending that there is no

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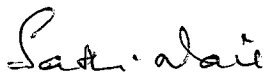
legally enforceable right for employment in the respondents' organisation exclusively on the strength of evictee status. The only understanding was that one member of each family would be considered for employment without being sponsored by the Employment Exchange within the first three generations and subject to satisfying the requirements like age, qualification, etc. In the case of the applicant the respondents have considered him accordingly on three occasions for a Group-D post of Canteen Boy and Safaiwala on 13.4.1989, 19.8.1992 and 17.2.1995. In the first selection he was placed in the panel but could not be offered the post since the vacancies did not occur during the validity of the period. In 1992 he was not selected. Again in 1995 he was placed in the panel and the respondents say that he could not be appointed due to the ban on recruitment from September, 1995. Since he was interviewed in February, 1995 he could have been appointed before the ban came in to force and now the applicant has become over-aged due to no fault of his. According to the respondents the ban on the filling up the post in the group-D category will continue. The applicant has submitted that there are number of vacancies available under Group-C and Group-D. The case of the applicant is indeed an unfortunate case in that, when he was selected on two occasions he could not be appointed due to various administrative reasons for which the respondents also cannot be faulted. As stated earlier, there is no mandatory requirement that an evicted family should be offered employment. At the same time there is a gentleman's

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agreement that they will be considered for appointment. That agreement has been honoured to the extent that the applicant has been considered but the result has been that the applicant could not secure employment though he was selected. It is also settled law that mere inclusion in the select list does not confer any right to the post. Under these circumstances, the only consideration that can be shown to the applicant is that he shall be considered for future employment notwithstanding the fact that he has crossed the maximum age limit. The applicant cannot be given any relief beyond that. Therefore we dispose of this O.A. accordingly, with the direction to the respondents to consider the Annexure A-10 representation of the applicant against any future vacancies of Group-D category in the VSSC and Tumba, Thiruvananthapuram. For such consideration the age limit shall not operate as a bar. The O.A is disposed of as above. No costs.

Dated 9.11.2006


DR. K.B.S. RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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