

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 360/2005

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**

Anto Fernandez E.
Thaivilakom Purayidom
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 Sarabai 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

O R D E R

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant herein is an evicted person whose family faced eviction when their land was acquired for establishing the VSSC at

Trivandrum. Based on discussions between the then Chairman of ISRO/NSSC and the evicted families and the State Government it was agreed that the affected persons or the members of the evictee families will be entitled for employment in the Group-C/Group-D post in the VSSC without being sponsored by the Employment Exchange. According to the applicant his name has been registered with the respondents under the category of an evicted person. On 13.4.1989 he was called for interview to consider his case for appointment as Attender-A/ Canteen Boy-A/Safaiwala-A. The applicant attended the interview on 19.8.1992 and subsequently on 17.1.1995 so as to consider his candidature for the post of Safaiwala under the category of evicted person. The applicant had not been informed so far whether he was selected or not in any of these posts. His subsequent representation also did not meet with any result. According to the applicant he has passed SSLC and fully qualified to secure employment under Group-C /Group-D. The inaction of the respondents is violative of Articles 14 and 21 of the Constitution of India. His last representation Annexure A-4 dated 13.4.2005 is also pending consideration of the respondents.

2 Respondents have filed a reply statement denying the averments of the applicant. 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 generations, against vacancies in Group-C/Group-D 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 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.

3 Based on the above understanding, the respondents submit that the applicant was interviewed on 13.4.1989 for the post of Attendant-A/Canteen Boy/A/ Safaiwala-A, but he could not succeed in the interview. The applicant was intimated by Annexure R-1 dated 23.5.1989 letter that he had not been selected. The applicant was again interviewed for the post of Canteen Boy on 19.8.1992 as a member of the evicted family. In this interview also he was not selected and he was informed of the same by Annexure R-2 dated 4.2.1993. He was once again called for interview for the post of Safaiwala-A on 17.2.1995. In this interview again the applicant could not succeed in the selection process and he was informed by Annexure R-3 letter dated 7.3.1995. The respondents have submitted that the applicant was considered for selection to a Group-D post thrice but he could not succeed in any of the selection process conducted by the Selection Committee. The selection of a candidate to a particular post is based on the qualification prescribed for the post, age and assessment and the relative performance of the candidate in the interview, etc. by the concerned Selection Committee. The only exemption given to an evicted person was that such candidate need not be sponsored by the Employment Exchange. But they had to succeed in the selection procedure. The applicant cannot contend that the respondents are not giving equal treatment to the evictee status candidates as a class and they are

being considered on equal basis. The applicant was considered for selection to the Group-D post in accordance with the policy thrice but he could not succeed but many others including several candidates of evictee families succeeded in the selection process and got appointment. The respondents have not done any injustice to the applicant.

4 We have heard Mr. R.V. Sreejith and Mr. Rajeev appearing for SCGSC and gone through the records. In accordance with the understanding between the respondents' organisation and the evicted persons, the applicant had been interviewed thrice but in none of these occasions he was found suitable by the Selection Committee. He was duly informed by the respondents and the contention that he was not informed of the same is not correct. We are of the view that due consideration has been given to him according to the terms of the understanding arrived at between the management and the evictees and as such, his contentions are baseless. Since he failed to qualify on all the three occasions, the respondents could not consider him for appointment. The applicant is not entitled to any of the reliefs. He has no legally enforceable right to get employment. The O.A. is dismissed. No costs.

Dated 9.11.2006


DR. K.B.S. RAJAN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN