

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 369 of 1999.

Friday this the 26th day of March, 1999.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

1. Satheesh Kumar,
T.C.16/1106, Parachira House,
Jagathy, Thycaud P.O.
2. P. Mohanan,
Pammathil Veedu,
Pariyaram, Venkode P.O.,
Trivandrum -28.
3. Muraleedharan K.,
Thoppuvilkathu Veedu,
T.C. 49/728,
Manacaud P.O.,
Trivandrum-695 009.
4. Subhash Chandran M.,
Kuzhivila Puthan Veedu,
Near Arukulam Temple,
Chempazhanthy P.O., Trivandrum.
5. Sree Kumar B.,
Bhagavathy Vilasam,
Anayara P.O., Trivandrum.
6. Sikandar S.,
Police Quarters Flat-E,
Palayam, Trivandrum.

.. Applicants

(By Advocate Shri C.J. Joy)

Vs.

1. Union of India represented by
the Secretary, Department of Space,
New Delhi.
2. The Director, Vikram Sarabhai Space
Centre, Trivandrum.
3. The Group Director, VSSC, REPLACE,
Vattiyoorkavu, Trivandrum.
4. The Head CSD/CMS Replace,
Vikram Sarabhai Space Centre,
Vattiyoorkavu, Trivandrum.
5. The Administrative Officer,
Recruitment Wing, VSSC, Veli,
Trivandrum.
6. The Employment Officer,
Divisional Employment Exchange,
Technical Wing, Trivandrum.

7. Sujakumar C.,
Valiyavila Veedu,
Nellivila P.O.,
Venganoor, Trivandrum-695 523.
8. K.R. Sanalkumar,
Panavilakathu Veedu,
Poothancode, Nellimoodu P.O.,
Kanjirakkulam (Via),
Neyyattinkara, Trivandrum.
9. V. Mohanan, "Aswathy",
Sabarimuttom, Kodangavila P.O.,
Neyyattinkara, Trivandrum.
10. R. Anilkumar,
Thadatharikathu Veedu,
Nempathumook, Anad P.O.,
Nedumangadu, Trivandrum.
11. T.C. Ben Roy,
Bangladev, Karipoor P.O.,
Nedumangadu - 695 541.
12. K.V. Manoj Krishnakumar,
"Krishna Bhavan", T.C.32/596,
Vettukadu, T.T.P. P.O.,
Trivandrum - 21.
13. M. Mubarak,
Valiyavila Veedu,
Manchalloor, Pathanapuram,
Kollam District. .. Respondents

(By Advocate Shri C.N. Radhakrishnan)

The application having been heard on 26th March 1999,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The reliefs sought by the applicants in this
Original Application are as follows:

- "i) issue an order quashing the decision, if any, taken, by respondents 1 to 5 and orders, if any, passed pursuant thereto to fill the permanent vacancies of Tradesman 'A' at the VSSC Replace, Vattiyoorkavu with Employment Exchange Hands, as illegal;
- ii) issue an order quashing the decision, if any, taken by the respondents 1 to 5 or orders, if any, passed pursuant thereto to consider candidates with ITI (Fitter) qualification only to the post of Tradesman 'A' in the VSSC Replace at Vattiyoorkavu;

- iii) declare that all FRP Certificate holders irrespective of their ITI Trade are eligible to be considered for selection and appointment to the post of Tradesman'A' in the VSSC Replace, Vattiyoorkavu;
- iv) declare that the permanent vacancies of the Tradesmen'A' in the VSSC Replace, Vattiyoorkavu are liable to be filled only with permanent hands from the UPSC and the decision, if any, taken and orders, if any, passed pursuant thereto to fill the vacancies with Employment Exchange hands is illegal;

or

- v) issue an order directing Respondents 1 to 5 to consider the applicants also for selection and appointment to the said posts;
- vi) issue such other appropriate orders or directions as this Hon'ble Tribunal may deem just, fit and proper to grant on the facts and circumstances of the case and in the interest of justice."

2. The learned counsel appearing for the official respondents vehemently opposed this application and submitted that this is liable to be dismissed at the threshold.

3. As far as the first relief is concerned, the learned counsel appearing for the official respondents submitted that the vacancies are not filled up for the said post exclusively by the Employment Exchange sponsored hands but also by giving advertisement in All India Radio as well as in the Doordarshan. The relevant files relating to the advertisement by way of announcement through Doordarshan and All India Radio are brought to our notice and we have perused them. So, the first relief sought for is without any substance.

4. Regarding the second relief, it is well settled that it is for the administration to prescribe the qualification for the post and it is not for the Tribunal or the Courts to do the same.

Court to prescribe the qualification for a particular post. The Tribunal is not having the expertise knowledge to prescribe the qualification for a particular post. It is the administration having the experts with them to prescribe the required qualification. So, the second relief sought for is also lacking substance.

5. With regard to the third relief, in the light of what is stated in respect of relief No.2, this relief cannot be granted.

6. As far the other relief is concerned, it is submitted by the learned counsel for the respondents that the applicants do not possess the qualification required for the post of Tradesman'A'. There is no case for the applicants that they possess the qualification of ITI (Fitter). ITI (Fitter) is the qualification, it is submitted by the learned counsel for the Departmental respondents, prescribed for the post of Tradesman'A'. As already stated, it is for the administration to prescribe the qualification. That being so, there is no merit in seeking this relief.

7. Accordingly, we do not find any ground to admit the Original Application.

8. Original Application is accordingly, dismissed.
No costs.

Dated this the 26th March, 1999.

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER

A.M. Sivadas
A.M. SIVADAS
JUDICIAL MEMBER