

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. ~~XXXXXX~~
P.A. No.

390/90

~~188~~

DATE OF DECISION 13.04.1991

V. Vijayakumar Applicant (s)

M/s CS Rajan & Thomas John Advocate for the Applicant (s)

Versus

Employment Officer, Nedumangad and two others Respondent (s)

Mr. VV Sidharthan, ACGSC Advocate for the Respondent (s)
for R.2.

CORAM:

The Hon'ble Mr. S.P. Mukerji - Vice Chairman

The Hon'ble Mr. A.V. Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application amended and filed on 31.10.90 the applicant has prayed that the second respondent ie., Vikram Sarabhai Space Centre represented by the Administrative Officer be directed to consider him for the post of Tradesman 'B' (Electronics). According to the applicant he is fully qualified for the post having undergone the apprentice-ship training at the same Space Centre in the trade of Electronic Mechanic and being in possession of National Apprenticeship Certificate by the National Council for Vocational Training. He has also averred that he was registered with the first respondent ie., Employment Officer, Employment Exchange, Nedumangad on 20.2.1976. It appears that the second respondent


moved the Employment Exchange authorities for sponsoring names of suitable candidates for the post of Tradesman 'B' (Electronics) but the applicant's name was not sponsored by the first respondent. The applicant moved the Hon'ble High Court of Kerala ^{in OP. 2614/90-J} which by its order dated 27.3.1990 (Annexure-A.1) ^{the CMP no. 4700/90 in} closed the case when the Government Pleader submitted "that the first respondent did not sponsor candidates pursuant to the notification issued by the 3rd respondent entirely due to omission on the part of the 1st respondent. He submits further that the first respondent is sponsoring candidates according to the existing rules with a request to condone the delay in sending up the list to the 3rd respondent. This submission is recorded." It appears that inspite of the aforesaid observations of the Hon'ble High Court the first respondent sponsored names of three candidates listed at Annexure.R.3 ^{but again} without including the name of the applicant even though the applicant ^{had} been registered with the Employment Exchange earlier than the dates when the sponsored candidates had been registered. The VSSC authorities are indicating their helplessness in considering the applicant also for the post of Tradesman 'B' (Electronics) unless and until his name is sponsored by the Employment Exchange. While this application was pending before the Tribunal the Third respondent Shri Shaji was transferred to fill up the post. ^{for the applicant} The learned counsel/during the course of the arguments indicated that he would not

press the challenge to the appointment of respondent No.3 but would rest content if the applicant is considered for the next vacancy even though his name is not sponsored by the Employment Exchange.

2. We have heard the arguments of the learned counsel for the applicant as also respondent No.2, and have gone through the documents carefully. The respondent No.1 i.e., Employment Officer, in spite of service, neither appeared before us nor did he file any reply to the original application. That the sponsoring of names of candidates had suffered from some inadvertent omission and that the Employment Exchange authorities have not made any ostensible effort to correct the omission is evident from the records. The ^{text of the} aforesaid order of the Hon'ble High Court ^{shows} is a clear indication of the omission ^{on the part} of the first respondent. The ^{before us} second respondent also in their counter affidavit in para 14 clearly indicated that "this respondent is in no way responsible for inadvertent omission stated to have been committed by the first respondent." However, the ^{second} respondent is fair enough to assure that "the department is willing to consider the candidature of the applicant provided it is sponsored by the Employment Exchange against any future vacancy as and when arise subject to his fulfilling the requirements with regard to qualification, age etc."

3. In the conspectus of facts and circumstances as revealed before us, we have no hesitation in directing

the second respondent to consider the applicant for any future vacancy for which the applicant is qualified even though his name is not sponsored by the Employment Exchange. Considering the fact that the applicant had ^{been} left out of consideration [^] ~~was~~ [^] ~~later~~ [^] for no fault of his, we [^] ~~we~~ [^] ~~direct~~ [^] that for appointment to the future vacancy the question of age bar should not be raised against him. We close this application with the above directions. There will be no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

18.04.1991

Ks.