

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 508 of 2000.

Dated this Monday, the 16th day of April, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).
Hon'ble Shri S. L. Jain, Member (J).

Bhaveshkumar N. Pandya,
2/181, Vaniyawad,
P.O. Daman,
Pin - 396 210.

... Applicant

(By Advocate (- None present)

VERSUS

1. Union of India through
the Ministry of Home Affairs,
Central Secretariat, North Block,
New Delhi.
2. The Administrator,
Union Territory of Daman
and Diu,
Secretariat, Fort Area,
Moti Daman.
3. The Finance Secretary,
Union Territory of Daman & Diu,
Secretariat, Fort Area, ... Respondents.
Moti Daman.

(By Advocate Shri R. R. Shetty for
Shri R. K. Shetty).

OPEN COURT ORDER

PER : Shri B. N. Bahadur, Member (A).

There is none present for the Applicant today.

We have taken up the case for hearing on merits, since,
even last time when the Learned Counsel for Applicant prayed
for an adjournment we had clearly noted that enough time had

been given and adjournment was granted after levying a token cost. Also it was stated that no further adjournment will be granted (Roznama dated 02.04.2001). We however take up the case on its merit as brought out in the written pleadings, etc.

2. We have considered the pleadings of the Applicant and have seen the papers in the case and have heard Shri R.R. Learned Counsel Shetty for Shri R. K. Shetty, for the Respondents.

3. The Applicant has sought relief in this case, which is essentially a relief in grievance of the selection of the fourth Respondent to the post of Supervisor, on the ground that she is over qualified and hence her appointment is illegal. This is the basic ~~ground~~ ^{base} on which the relief is sought, although it is described in various clause in the prayers which are cited and captioned as Prayer 'A' to 'D'. The first document that we will have to look into as one of the ~~core relevance~~ is the recruitment rules, according to which, undoubtedly and clearly, as per law settled, we will have to turn to. The Recruitment Rules for the post of Supervisor in Daman & Diu Administration is annexed at Annexure A-1, Page 20, by the Applicant himself. It states, inter-alia, that the Educational and other qualification required for Direct Recruitment would be "I.T.I. Certificate in Draftsman (Civil) trade or Diploma in Civil Engineering" Now it is not the case of the Applicant that the Fourth Respondent does not possess this qualification. In fact, it is the case of the fourth Respondent possessing a B.E. Degree in Civil Engineering and hence, is able to get other appointments to posts higher than the post of Supervisors.

The main ground taken therefore is that over qualified persons cannot be considered for appointment and cannot be appointed.

4. It will not need too much reasoning for us to state that this is a patently unsustainable ground. Certainly, if an underqualified person is being considered, this will be enough ground to provide the relief sought but there is no rule or stipulation in the Recruitment Rules to the effect that an over-qualified person cannot be considered for appointment. This being a short point, it is more than clear that the O.A. is unsustainable and no relief can be provided, as sought. In the consequence, this O.A. is hereby dismissed with no order as to costs.

S.L.JAIN
(S.L. JAIN)

MEMBER (J).

B.N.Bahadur
(B.N. BAHADUR). 16/04/01
MEMBER (A).

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