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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/01102/2017**

**Friday, this the 21<sup>st</sup> day of December, 2018**

**CORAM:**

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER  
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Ansho Kuriakose,  
S/o K.O.Kuriakose,  
Aged 36 years,  
Kudiyathu House,  
Chathari Tripunithura P.O.,  
Ernakulam – 682 301.

....Applicant

**(By Advocate Mr.Biju George)**

**V e r s u s**

1. The Senior Officer (Admn./HR),  
Central Institute of Plastic  
Engineering & Technology, Head Office,  
TVK Industiral Estate, Guindy,  
Chennai – 600 032.
  
2. The Director General,  
Central Institute of Plastic  
Engineering & Technology, Head Office,  
TVK Industrial Estate,  
Guindy, Chennai – 600 032.
  
3. The Director,  
Central Institute of Plastic  
Engineering & Technology, Head Office,  
TVK Industrial Estate,  
Guindy, Chennai – 600 032.
  
4. The Secretary,  
Department of Chemicals &

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Petro Chemicals,  
Ministry of Chemicals Fertilizers,  
Sasthri Bhavan,  
New Delhi – 1. ....Respondents

**(By, S.R.K. Prathap, ACGSC and Mrs.Tanuja for Respondents)**

This application having been heard on 19<sup>th</sup> December 2018, the Tribunal on 21<sup>st</sup> December, 2018 delivered the following :

**ORDER**

**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

OA No.1120/2017 is filed by Shri Ansho Kuriakose, against, what is reportedly, the refusal on the part of the 3<sup>rd</sup> respondent to allow him to join as Senior Manager (Admn/HR), a post that he was selected for through a competitive process. Through this OA he seeks setting aside of Annexure A6 and Annexure A9 to the extent that it cancels the appointment order issued in favour of the applicant and requests this Tribunal to pass an order directing the respondents to permit him to join duty as Senior Officer (Admn/HR) at CIPET Head Office.

2. The applicant had applied for the position of Manager (Personnel and Administration), advertised vide Annexure A1 notification. He was successful in the interview which was conducted on 26.12.2016, but considering his young age he was offered the relatively lower post of Senior Officer (Admn/HR). He was served with Annexure A2 order appointing him to the said post dated 11.01.2017 calling upon him to report on or before 10.02.2017. The applicant

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accepted the appointment as per Annexure A3 Email dated 13.01.2017 and requested for grant of time till mid April, 2017 for joining duty, due to personal reasons. The 2<sup>nd</sup> respondent as per Annexure A5 Email dated 12.04.2017 directed the applicant to join by 01.06.2017 and informed that no further extension will be granted. At his request the second respondent by Annexure A6 Email of 01.06.2017 postponed the date to 15.06.2017.

3. The applicant claims that he was suffering from high fever and could not join on 15.06.2017 and his wife informed the 2<sup>nd</sup> respondent of this, seeking time up to 07.07.2017. The applicant submits that he had repeatedly sought permission of the respondents to join through Emails. However, 2<sup>nd</sup> respondent took a hard line and informed him by Annexure A9 letter dated 24.10.2017 that the appointment order stood cancelled. Further Email sent by the applicant (Annexure A10) to the 2<sup>nd</sup> respondent stands unanswered.

4. In the OA , it is pleaded that the applicant had sought time to join the post for which he had been selected, due to genuine and unavoidable reasons. By rejecting his request, the respondents have deprived him of a position that he had been selected for. He needs the job very much and that at this late stage at least he ought to have been allowed to join the post.

5. The respondents have filed the reply statement rejecting the contentions made in the OA. It is stated that after being issued with appointment order, at

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his request he was granted three months joining time for getting relieved from Government of Kerala undertaking where he was working. However, even after this, citing one reason or the other, he avoided joining duty and this continued up to June 2017.

6. The respondent organisation is a Premier Institution with flagship programmes in Plastic Engineering and Technology and cannot keep a post indefinitely vacant while a candidate selected for a post continues to play truant. Hence after passage of a significant amount of time, the respondents had no other recourse available except to cancel the posting.

7. Shri Biju George, learned Counsel was heard on behalf of the applicant and Shri S.R.K.Prathap, learned ACGSC represented the respondents.

8. This is a case of a candidate selected to a position in a Premier Institution delaying joining the post, for which he is selected. He had been initially told to join on 10.02.2017. The applicant did not do so and kept extending the date. Clearly the sequence of events in the case points to reasons which are not very transparent and genuine and appear to have stood in the way of applicant taking up the position to which he was selected. When the case was finally heard the learned Counsel for respondents informed us that as per Email dated 18.12.2018 he has been informed by the Principal Director of respondent organisation that the said post is filled up and is not available any more.

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9. In a country where several eligible candidates apply for even lower level posts, the applicant appeared to have been afflicted with indecision after attaining selection to the post. His repeated Emails citing different personal reasons point to this fact. Apparently, no organisation can keep its door indefinitely open for a candidate to join as and when he pleases. After examining the facts on hand, we conclude that the OA has no merit and deserves to be rejected. We proceed to do so. No costs.

**(Dated this the 21<sup>st</sup> day of December 2018).**

**(ASHISH KALIA)  
JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)  
ADMINISTRATIVE MEMBER**

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**List of Annexures in O.A. No.180/01102/2017**

1. **Annexure A1** – True copy of the notification No.CIPET/PER(08)/2016.
2. **Annexure A2** – True of the order No.HO/Admin/SAO/AK/2016-2017 dated 11.01.2017.
3. **Annexure A3** – True copy of the e-mail dated 13.1.2017
4. **Annexure A4** – True copy of the e-mail dated 6.3.2017.
5. **Annexure A5** –True copy of the e-mail dated 12.4.2017.
6. **Annexure A6** – True copy of the e-mail dated 1.6.2017.
7. **Annexure A7** – True copy of the e-mail dated 13.6.2017.
8. **Annexure A8** – True copy of the e-mail dated 20.10.2017.
9. **Annexure A9** – True copy of the e-mail dated 24.10.2017.
10. **Annexure A10** – True copy of the e-mail dated 25.10.2017.
11. **Annexure A11** – True copy of the e-mail dated 06.12.2017.
12. **Annexure R1** – Copy of the email letters 09.08.2017 and 08.09.2017 of Mr.Ansho Kuriakose.
13. **Annexure R2** – Rules & Regulations appended with Advertisement.

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