

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01023/2013**

**Dated 15<sup>th</sup> March Two Thousand Nineteen**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

K.Sathiaseelan  
S/o Kuppusamy,  
16, Sriram Nagar, Moorthikuppam,  
Manappet Post, Bahour Commune,  
Puducherry 607 402. .. Applicant  
By Advocate **M/s.P.Rajendran**

**Vs.**

The Union of India rep by  
The Director,  
Adi Dravidar Welfare Department,  
Thattanchavadi,  
Puducherry. .. Respondent  
By Adovacte **Mr.R.Syed Mustafa**

**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is an OA filed seeking the following relief:-

“To direct the respondent to appoint the applicant as Assistant Cook-cum-Server under the MSP quota and render justice.”

2. The applicant's case is that he is a Meritorious Sports Person (MSP) and having a certificate issued by the Deputy Director (Sports and Youth Services), Government of Puducherry. He is entitled to be considered against the quota reserved for MSP. The department of Adi Dravidar Welfare has notified for selection of 25 numbers of Part-time Assistant Cook-cum-Server (ACCS) in Adi Dravidar Welfare Department. The applicant was sponsored by the Employment Exchange for the post of PACS. As per the said notification, he was called for an interview on 2.8.07. He had also produced all his certificates and certificate for having taken part in the 48<sup>th</sup> National Bridge Championships, 2006 held at Bhopal. But the applicant was not appointed. According to him, eventhough reservation was followed in the selection, no separate quota was allotted for MSP. The applicant has applied under RTI and he came to understand that the respondents has never followed the reservation for MSP candidates and appointments are made contrary to the rules. Aggrieved by the above, the applicant has filed OA 93/2009 to call for the records related to the order of the respondent in No.36080/AWD/Estt/E1/08-09 dated 26.5.2008 and to quash the same. The said OA was ordered and the CAT had directed the respondents to follow the reservation policy for MSP and consider his application in the future vacancies on 15.4.2010. According to the applicant, 2 Part-time ACCS posts are vacant and one of the post can be allotted for him. But the respondents has not appointed him so far. So, the applicant has no other alternative remedy but to file OA. Accordingly the applicant has come up with this OA.

3. The respondents appeared and filed a detailed reply stating that the application is not maintainable. They admitted that they had issued a notification on 19.5.2007 calling for applications from eligible residents of Puducherry for selection to the post of Part-time ACCS and the applicant has participated in the interview. But the applicant was not selected as he did not get the required marks. According to the respondents, the Government of Puducherry has notified a Scheme by GO Ms.No.22 dated 27.2.2009 by which engagement of Part-time Casual Labourers are strictly banned in consequence to the decision in "***Umadevi's***" case. So, the respondents cannot appoint anybody as Part-time ACCS now. As per the OM issued by the DOPT, MSP Quota can be applied only to Group "C" and "D" posts as per the Recruitment Rules applicable to the post. So far the Adi Dravidar Welfare Department has not issued any notification calling for applications to fill up the post of Part-time ACCS by Direct Recruitment. So, the case of the applicant cannot be considered under the MSP Quota. As per the Recruitment Rules for the post of PACS, the method of recruitment is by absorption failing which by Direct Recruitment. So, the post of Part-time ACCS has to be filled up by absorption from the Daily Rated/Part Time Cook cum Server. In case there is no such persons, the department has to adopt Direct Recruitment. So, the relief claimed by the applicant cannot be granted.

4. We have heard both sides and anxiously gone through the pleadings and documents produced by both sides. On going through the above, it can be seen that there was no separate reservation provided for MSP Quota for the selection conducted as per Annexure R1 notification dated 19.5.2007. The said notification was for the selection of Part-time ACCS. Since there was no reservation for MSP Quota, the applicant was not appointed under the said quota. Further the applicant has not obtained the requisite marks for selection and hence he failed to come up in the selection list. On going through the pleadings of the respondents, it can be seen that as per the direction contained in "***Sugana's***" case the Puducherry Government has framed a scheme for

engagement and regularization of casual labourers as per G.O.Ms.22 dated 27.2.2009 and it has come into force and no Part-time employee can be appointed thereafter. It is only because of that no further selection can be undertaken for part-time employment.

5. In the above circumstances, we find that there is no merit in the contentions put forward by the applicant in this case. The applicant can be considered only when Direct Recruitment takes place to the post of ACCS in the Adi Dravidar Welfare Department. In the result, OA lacks any merit and it will stand dismissed. No costs.

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

15.03.2019

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