

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT of LAKSHADWEEP

Original Application No.181/00677/2016

Wednesday, this the 20th day of February, 2019

CORAM :

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

Abdul Raoof T.P.I,
Thekputhiya House, Agatti Island.Applicant

(By Advocate : Mr.K.B.Gangesh)

v e r s u s

1. The Administrator,
Administration of the Union Territory of Lakshadweep,
Kavaratti – 682 555.
2. Superintendent of Police,
Administration of the Union Territory of Lakshadweep,
Kavaratti – 682 555.Respondents

(By Advocate : Mr.S.Manu)

This application having been heard on 15.02.2019, the Tribunal on 20th February 2019 delivered the following :

O R D E R

Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member -

O.A.No.181/677/2016 is filed by Shri.Abdul Raoof T.P.I., aggrieved by the inaction of the respondents in not completing the selection process initiated by them for appointment to the post of Assistant Sub Inspector (Wireless Operator) and Assistant Sub Inspector (Radio Technician) vide Annexure A-1 notification.

2. The facts of the case are as follows :

The applicant had applied in response to the notification issued by the 2nd respondent dated 21.7.2012, a copy of which is available at Annexure A-1. The applicant possess the required qualification and the check list based on academic merit published by the 2nd respondent on 12.10.2012 (Annexure A-2) included him as Sl.No.17. However, the respondents never went beyond the publication of this check list and no selection was made. The applicant had submitted several representations as Annexure A-3 and Annexure A-4, but there has been no response.

3. As grounds the applicant argued that in line with the directions contained in the judgment of Hon'ble Supreme Court in Mohanan Pillai v. State of Kerala (2007) 2 KLT 551 as also in Maharashtra State Road Transport Corporation v. Rajendra Bhanrao Mandve (2001) 10 SCC 51 it has been held that the rules prevailing at the time when the vacancies arose and the notification issued should be applied for selection and appointment to those vacancies. The applicant prays that immediate steps may be taken for completing the selection process in line with the Recruitment Rules notified.

4. Respondent Nos.1-2 have filed reply statement wherein the facts contained in the O.A have been admitted. It is maintained that the applicant has no legal right to seek a direction to be issued to the respondents to complete the recruitment process pursuant to Annexure A-1. The applicant had not been selected for the post and all what has happened is that in the published check list at Annexure A-2 the applicant figures at Sl.No.17. When the scrutiny was undertaken from among the candidates who have

applied it was found that several candidates were ineligible and there were doubts about the corresponding nature of various degrees acquired by candidates when they were referred to All India Technical Education Society. Finally keeping the best interest of administration in mind, the Recruitment Committee which met on 2.6.2016 decided to cancel Annexure A-1 notification and also that selection should be based on written competitive examination.

5. The matter now stands at this stage. A fresh notification is going to be issued wherein the candidature of all the candidates who have applied earlier will be considered irrespective of the age limit, which means that these candidates who were eligible as per the earlier notification will be considered in the fresh notification as well. There has been no fresh movement on this as there is a status quo order from this Tribunal which was due to a mistake on the part of the respondents in having issued a notification cancelling Annexure A-1 notification. The respondents seek the permission of this Tribunal to go ahead with the fresh notification after duly cancelling Annexure A-1 notification.

6. We have heard Shri.K.B.Gangesh, learned counsel for the applicant and the Standing Counsel for the Lakshadweep Administration. There is no justification in cancelling the notification on account of the ineligible candidates having applied in response to it. However, we are of the view that the mandate to proceed with a recruitment or to rescind it is entirely within the domain of the respondents. We understand that what is intended

is a fresh selection as the verification of some applications went on for several years and little purpose would be served by selecting from a list which is several years old. The respondents are free to proceed with fresh selection. However, as has been conceded in the reply statement, all those who have applied in the first instance and who are otherwise eligible in terms of their qualification should also be considered for selection regardless of the fact that they have subsequently become over-aged.

7. The above exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The O.A is disposed of accordingly. No costs.

(Dated this the 20th of February 2019)

(Ashish Kalia)
Judicial Member

asp

(E.K.Bharat Bhushan)
Administrative Member

List of Annexures in O.A.No.181/677/2016

1. Annexure A-1 – True copy of the employment notice dated 21.7.2012 issued by the 2nd respondent.
2. Annexure A-2 – True copy of the check list published by the 2nd respondent on 12.10.2012.
3. Annexure A-3 – True copy of the representation dated nil preferred by the applicant to the 2nd respondent.
4. Annexure A-4 – True copy of the representation preferred by the applicant to the 1st respondent.
