

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00055/2015

Wednesday, this the 16th day of January, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Mohammed Keelani Hussain Nadvi,
 S/o. Sainul Abid, aged 21 years,
 Kamalmalmiyoda House, Agatti PO,
 UT of Lakshadweep – 682 553.

..... **Applicant**

(By Advocate : M/s. Sanjay & Parvathy)

V e r s u s

1. Union Territory of Lakshadweep, Kavaratti,
 Lakshadweep represented by its Administrator,
 Pin – 682 555.
2. The Secretary, Directorate of Agriculture,
 Union Territory of Lakshadweep, Kavaratti, Pin – 682 555.
3. The Director (Agriculture), Directorate of Agriculture,
 Union Territory of Lakshadweep, Kavaratti,
 Pin – 682 555.

..... **Respondents**

(By Advocate : Mr. S. Manu)

This application having been heard on 09.01.2019 the Tribunal on
 16.01.2019 delivered the following:

ORDER

Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicants are as under:

- “i) Call for the records relating to the selection and appointment pursuant to Annexure A1 and A2 and peruse the same;
- ii) Direct the respondents to make appointments to the post of Agriculture Supervisor from Annexure A-2 list;

- iii) Direct the respondents to report the existing vacancies of the post of Agriculture Supervisors;
- iv) Direct the respondents to first make appointment from Annexure A2 list before taking steps for making appointments in any other manner to the existing vacancies of Agriculture Supervisors;
- v) Pass such other orders that this Hon'ble Tribunal may deem fit in the fact and circumstances of the case;
- vi) Award cost of this application.”

2. The brief facts of the case are that the applicant is aggrieved by the inaction on the part of the respondents in not making appointment to the post of Agriculture Supervisor duly notified in November, 2013 and after publication of a list of candidates. Applicant is one among the two candidates selected and included in the list made pursuant to the selection but no appointment is made so far. The applicant as on the date of notification meets the qualification prescribed as he is a local candidate having qualification plus two with two year diploma in Agriculture Science. On 22nd May, 2014 a check list of the candidates applied for the post of Agricultural Supervisor was issued. In Annexure A3 check list applicant is one among the only two selected for the said post on the basis of merit. The delay is causing serious concern as the respondents are now in the attempt to abandon the selection already made and to go for fresh selection.

3. Notices were issued to the respondents. They entered appearance through Shri S.Manu, learned Standing Counsel for the Lakshadweep Administration. They filed a reply statement contending that the respondents have invited applications for one post of Agriculture

Supervisor. As per the employment notice only 24 applications were received within the prescribed time limit and the applicant was one among the candidates. The respondents have not selected anybody till date. They have published a check list on 22.5.2014 calling for objections, if any in order to proceed with the selection process. However, the respondents could not take action due to the General Election declared in 2014. In the meanwhile the administration had issued fresh selection method as per which it was mandatory to hold open competitive examination for filling up of all the posts and vacancies in Group-B and C category except in case of Recruitment Rule specifically providing for different selection process. Due to the change of selection criteria and passage of time the Administrator ordered the department to go for fresh notification granting suitable age relaxation to the candidates already applied since the action of the Department is not in order. The respondents have only one vacant post of Supervisor under direct recruitment quota. At the time of publishing the notification two posts were lying vacant out of which one post is direct recruitment and the other is promotion post. As per Recruitment Rules 50% is to be filled by promotion and 50% by direct recruitment. Therefore, the respondents invited application for one post of Supervisor by direct recruitment. Respondents pray for dismissing the OA.

4. Heard the learned counsel appearing for the applicant and learned Standing Counsel for the respondents. Perused the records.

5. In the case in hand the respondents have only issued a check list vide which objections, if any were sought in order to start the selection process. However, in the meantime the new selection method was implemented by the administration vide order dated 11.12.2013 according to which it was mandatory to hold open competitive examination for filling up of all the posts and vacancies in Group-B and C category except in case of Recruitment Rule specifically providing for different selection process. Further it was also noticed that before notifying the post of Agricultural Supervisor, the mandatory approval of the Administrator was not taken for constituting the Recruitment Committee. Though ex post facto approval for constitution of the Recruitment Committee was sought by the then Director and Secretary, on realizing the mistake the then Administrator denied the same. Therefore, the Administrator ordered cancellation of the notification of the vacancy of Agricultural Supervisor and issuance of fresh notification. Further we find that since the earlier notification was not as per the approved procedure, the Administrator also ordered to give suitable age relaxation to the candidates who had already applied. Therefore, cancellation of the earlier notification and issuance of fresh notification suffers from no legal infirmity. The very issuance of Annexure A2 notification was not in order. Therefore, any procedure pursuant to Annexure A2 notification was not a valid procedure. Moreover, Annexure A3 is only a check list published by the respondents for filing objections, if any. Annexure A3 is not the select list as contended by the respondents. Further the rights of the applicant is also protected in the new selection process as the Administrator ordered to give suitable age relaxation to the

candidates who had already applied as per Annexure A2 notification.

6. In view of the above finding no merit, the Original Application is dismissed. MA No. 181/1323/2018 is closed. There shall be no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

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APPLICANTS' ANNEXURES

- Annexure A1** - True copy of the notification No. F. No. 3/1/2010-Agri./1346 dated 14.5.2010.
- Annexure A2** - True copy of the notification No. F. No. 2/15/2012-Agri./307 dated 26.11.2013.
- Annexure A3** - True copy of the selected list of candidates with covering letter F. No. 2/1/2004-Agri/869 dated 22.5.2014.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-