

CENTRAL ADMINISTRATIVE TRIBUNAL

**ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP**

Original Application No.181/00125/2019

Friday, this the 13th day of December, 2019

**HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE
MEMBER**

1. Fahina Beegum S.C
D/o.Cheriyakoya
Sarechetta House
Amini Island
Union Territory of Lakshadweep-682 552
 2. Musayba A.T
Athanam Thottam House
Kalpeni Island
Union Territory of Lakshadweep-682 557
- Applicants**

(By Advocate – Mr.Harikumar.G.Nair)

V e r s u s

1 Administrator
Union Territory of Lakshadweep
Kavaratti – 682 555

2. The Director
Department of Health Sciences
Union Territory of Lakshadweep
Kavaratti – 682 555

..... Respondents

(By Advocate – Mr.S.Manu)

This Original Application having been heard on 13.12.2019, the Tribunal on the same day delivered the following:

ORDER (ORAL)

JUSTICE L.NARASIMHA REDDY, CHAIRMAN

The respondents issued a notification on 7.11.2017 inviting applications for selection and appointment to the post of Pharmacist in the Lakshadweep Administration. Three vacancies were notified and it was mentioned therein that the anticipated vacancies in the next one year from the date of last date of the notification shall also be taken into account. The written test was held and the results thereof were declared on 1.6.2018. Three meritorious candidates were appointed against the notified vacancies, and the applicants were shown at serial nos.2 and 3 in the waiting list.

2. The applicants contend that in addition to the three vacancies notified, there existed few more vacancies and had they been taken up for filling up, they would have got a chance of being appointed. The applicants contend that there is no justification for the respondents for keeping the posts vacant.

3. The respondents filed a counter affidavit opposing the OA. It is stated that only three vacancies which were existing at the relevant

point of time were notified, and though it was mentioned in the notification that any vacancy that arises within one year from the last date of submission of application i.e, 8.12.2017 would also be considered, not a single vacancy has arisen during that period. It is stated that the applicants do not have any right simply because they were included in the Waiting List.

4. We heard Mr.T.P.Nishad Khan, learned counsel for the applicant and Mr.S.Manu, learned counsel for the respondents.

5. It is not in dispute that the respondents notified only three vacancies and all the three have been filled by the meritorious candidates. The applicants do not complain that any candidate who is less meritorious than them was appointed against those 3 vacancies. The claim of the applicant is against the vacancies which are said to have arisen within one year from the last date of submission of application. Except taking a general plea, the applicants are not able to point out as to the manner in which the vacancies have arisen. On the other hand, the respondents categorically stated that no vacancy has arisen within one year from 8.12.2017. When this is the state of

affairs, we do not find any basis to grant any relief to the applicant.

Hence, the Original Application is dismissed. There shall be no order as to costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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List of Annexures

Annexure A-1 - A true copy of Employment Notice bearing F.No.5/2/2011-DHS dated 07.11.2017 issued by the 2nd respondent

Annexure A-2 - A true copy of select list/wait list dated 1.6.2018 published by the 2nd respondent

Annexure A-3 - A true copy of representation dated 5.12.2018 submitted by the 2nd applicant along with typed copy.

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