

(2014) 02 KL CK 0120
In the High Court Of Kerala
Case No : O.P. (CAT) No. 33 of 2014

Union of India and Others

APPELLANT

Vs

K. Manoj Kumar

RESPONDENT

Date of Decision : 06-02-2014

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2014) 1 KHC 826

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : George Joseph, Central Government Counsel, Advocate for the Appellant

Judgement

T.B. Radhakrishnan, J.—Heard the learned Central Government Counsel, quite in extenso. This original petition is instituted on 05/02/2014 against an order of the Central Administrative Tribunal issued on 15/02/2013, certified copy of which was also made available to the establishment on 21/02/2013. No reason, whatsoever, is stated in the original petition for the inordinate delay. We are, therefore, of the view that this matter deserves to be rejected outright on the ground of delay and inferable acquiescence with the impugned order.

2. Be that as it may, we looked into the merits as well. The issue relates to the appointment of Statistical investigator against a vacancy, which arose on 01/06/2010 in the Directorate of Arecanut and Spices Development. Tribunal held that the applicant before it possessed such qualifications as are necessary to be treated as equivalent for the purpose of that post, more particularly, having regard to the contents of Annexure-A7 recommendation dated 31/03/2010 made by the Director of Arecanut and Spices Development to the Horticulture Commissioner. Therefore, taking into consideration the facts and circumstances of the case and the requirement to secure ends of justice, the Tribunal issued the impugned order holding that the qualifications possessed by the applicant before it, K. Manoj Kumar, who is the respondent herein, are to be treated as

equivalent. This has been done specifically referring to the views of the Director of Arecanut and Spices Development, who, in Annexure-A7 has given a vivid description of the reasons why the power to relax ought to be exercised. Is it in public interest to keep a post of Statistical Investigator in the Directorate of Arecanut and Spices Development vacant for nearly 4? years? In our humble view, whatever be the promptings of those in the higher echelons of administration as regards the institution - Directorate of Arecanut and Spices Development - in the perspective of public interest and the Constitution of India, such continued vacancy is anathema to the very objects sought to be achieved by that "Directorate".

3. While we may agree with the learned Central Government Counsel, to some extent, that the Tribunal cannot meddle with the qualifications prescribed, we see that this is not a case where the Tribunal has undertaken such an exercise, but has only attempted to secure ends of justice qua the need of the establishment vis-a-vis the eligibility of Manoj Kumar on the strength of detailed matters stated in Annexure-A7 by which the Director of Arecanut and Spices Development requested the Horticulture Commissioner to consider the case of Manoj Kumar. In the aforesaid format of facts, we do not think that the impugned order visits the department with any injustice that should prompt the High Court to interfere under Article 227 of the Constitution of India. This original petition, therefore, fails. In the result, this original petition is dismissed in limine.