

10

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.48/2002

New Delhi, this the 15th day of November, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri A.P. Nagrath, Member (A)

1. Kamal Nayan
s/o Shri Chander Bhan Sharma
r/o 7-E/PWD Enquiry Quarters
Gulabi Bagh, Delhi-7
2. Hari Kishan
s/o Kanshi Ram
r/o H.No.10
Vill. & P.O. Mithapur
Delhi-44

...Applicants

(By Advocate: Shri Jasbir Malik)

Versus

1. The Director General (Works)
CPWD Nirman Bhawan,
New Delhi-11
2. The Superintending Engineer
Co-ordination Circle (Elect.)
CPWD Indraprastha Bhawan
New Delhi-2

...Respondents

(By Advocate: Shri K.C.D. Gangwani)

O R D E R

Shri A.P. Nagrath:

The recruitment for the post of Khallasi (Electrical) was conducted by the respondents in which the two applicants of this OA had also participated. A select list of 176 candidates was prepared which included 84 general category candidates. The applicants also belong to general category. Out of this select list, 124 candidates, including 53 general category candidates, were offered the appointment. The applicants whose names appear at Sl.Nos. 56 & 69 of the select list have not been appointed. They had earlier filed OA-333/1997 seeking directions for their appointment. This OA came to be disposed of on 13.11.1997 with a direction that the

4

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respondents shall pass an appropriate order as and when the next vacancy becomes available and as and when the order on vigilance inquiry is finalized.

2. Apparently, this recruitment became a subject of vigilance investigation. During the course of arguments, the learned counsel for the respondents drew our attention to para 5.1 of the reply of the respondents to assert that after finalization of the vigilance inquiry, the process of cancellation of the select list has already been initiated. Learned counsel for the applicant challenged this assertion by contending that the respondents had in fact appointed the candidate at Sl.No.81, who is lower in order in the merit list as compared to the applicants. His plea was that in case the recruitment process was vitiated, no appointment whatsoever could have been made. Since the junior has been appointed, the learned counsel urged that there are every justification for the two applicants also to be offered the appointment.

3. Learned counsel for the respondents clarified that the appointment of candidates at Sl.No.81 Shri Devi Ram was made as he belongs to SC community and had erroneously been shown as belonging to general community candidate.

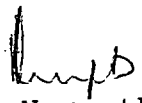
4. It is not in dispute that the select list came under the gaze of vigilance. The inquiry has since been finalized and the respondents have decided to cancel the select list. Under such a situation, there can be no


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12
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occasion to consider the applicants or any other persons on the select list for any further appointment. In fact, the appointments already made will also be subject to the consequences of the vigilance inquiry.

5. Since the select list itself is being cancelled, there is no ground made out for allowing this OA. The same is dismissed but with no order as to costs.


(A.P. Nagrath)
Member (A)


(V.S. Aggarwal)
Chairman

/sunil/