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Central Administrative Tribunal, Principal Bench

Original Application No. 901 of 2002

New Delhi, this the 3rd day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri Liladhar M. Dorlikar
son of Shri Moti Ram Ji
R/o 602-D/9B Ward No. 3
Ghandi Colony, back side
Vikas Hospital, Mehrauli
New Delhi-30

- Applicant

(By, Advocate: Shri P.T.S. Murthy)

Versus

1. Union of India through
The Secretary to the Government of India
Ministry of Social Justice
and Empowerment, Shastri Bhawan
New Delhi

2. Secretary
National Commission for Scheduled Caste and
Scheduled Tribe
V Floor, Lok Nayak Bhawan
New Delhi

3. The Director
Staff Selection Commission
Department of Personnel & Training
Ministry of Personnel, Public Grievances
& Pension, Block No. 12, CGO Complex,
Lodhi Road, New Delhi

- Respondents

ORDER (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

Appointed as Investigator on ad-hoc basis on 27.7.98 under respondent no. 2, the applicant applied for regular appointment against an advertisement issued by the same respondent for the appointment of two Investigators with one post reserved for the OBC. The applicant himself is an OBC. He fulfilled all the qualifications laid down in the advertisement. Despite this, he was not called for interview and instead a memorandum was issued on 15.11.2001 (Annexure A-1) by which he was informed that he did not possess the essential qualifications of a Masters Degree.

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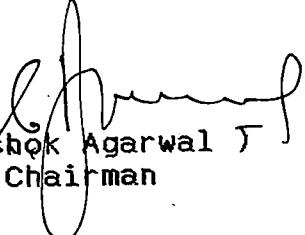
Since the applicant possessed a Masters Degree in Social Work, he promptly wrote back to the department enclosing a copy of the Degree held by him (Annexure A-3). Interviews have been held thereafter and, according to the information available with the applicant, two persons have been selected for the aforesaid posts, one of whom is an OBC candidate. The applicant's grievance is that he too had a right to consideration as he fulfilled all the qualifications and besides had been working satisfactorily on ad-hoc basis from 27.7.98. By not considering his candidature, the respondents have acted against law.

2. We have considered the submissions made by the learned counsel and find that in the circumstances of this case, it will be just and proper to direct the respondents to treat the present OA as a representation made on behalf of the applicant and dispose of the same by passing a reasoned and a speaking order. Until orders as above are passed, the respondents will not issue appointment letters in respect of the post reserved for OBC, if no such appointment letter has been issued. O.A. stands disposed of in the aforesated terms.

Issue DASTI.


(S.A.T. Rizvi)

Member(A)


(Ashok Agarwal)
Chairman

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