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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1882/2001

New Delhi this the 25th day of February, 2003.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S.TAMPI, MEMBER (A)

1. Rohtas
S/o Shri Parma Nand
R/o C/o Shri Bhagwat Prasad
26-R/606, Ordnance Factory
Murad Nagar, Ghaziabad
U.P.
2. Om Dutt
S/o Shri Bhagwat Parshad
26-R/606, Ordnance Factory,
Murad Nagar, Ghaziabad
U.P.
3. Riazuddin
S/o Sh.Kabul
R/o Village Mahammadpur Dhendha
PO- Muradnagar
Ghaziabad
U.P.Applicants

(By Shri U.Srivastava, Advocate)

vs.

1. Union of India, through
The Secretary
Ministry of Defence Production
Government of India, New Delhi.
2. The Secretary
Ordnance Factory Board
10-A, Sahid Khudi Ram Bose
Road, Calcutta.
3. The General Manager
Ordnance Factory, Murad Nagar
Ghaziabad
(U.P.)Respondents

(By Shri S.M.Arif, Advocate)



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O R D E R (ORAL)

Justice V.S. Aggarwal:-

Applicants Rohtas and others seek a direction to appoint them on the basis of the selection made by the respondents without putting them to any other further selection process in their respective posts of Temporary Carpenter (Semi Skilled) in the case of applicants No.1 and 3 and Temporary Packing Case Maker (Semi Skilled) in case of applicant No.2.

2. Some of the relevant facts are that the names of the applicants had been sponsored by the Employment Exchange for the posts of Carpenter (Temporary). The applicants were called to appear for the interview/selection for the post of Temporary Carpenter (Semi Skilled). They were even called upon to bring the relevant certificates etc. The applicants appeared in the interview scheduled for 22.5.1985. They were selected in the interview. They were issued the order dated 28.5.1985.

3. The applicants filled the attestation form and were advised to wait for appointment orders. Thereafter they had approached the respondents time and again but were given assurance that their cases are under active consideration. They were informed

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subsequently that a ban had been imposed by the Government of India on direct recruitment and, therefore, the applicants could not be appointed. They waited for lifting of the ban. Now they contend that some similarly situated persons had been appointed and the ban has since been lifted. In this process, it is claimed that now the applicants should be appointed to the posts for which they had been selected.

4. In the reply filed, a plea has been taken that the application is barred by virtue of Section 21 of the Administrative Tribunals Act, 1985 which had been filed after 16 years of the alleged selection. Furthermore, it is claimed that the applicants did not have a right to be so appointed.

5. On merit, it is not disputed that the applicants had applied for the posts. They could not be appointed because of imposition of ban by the Government of India on direct recruitment. Even in the letter issued to the applicants, it was specifically mentioned that this is not the offer or commitment for appointment. It is asserted that in this process, the applicants did not have right to be so appointed.

6. The main question agitated which has drawn our attention is about the inordinate delay in this

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regard. According to the applicants, they had been selected in the year 1985. They filed the present application after expiry of the 16 years of the same.

7. The learned counsel for the applicants relied upon a decision in the case of **Ramesh Kumar v. Union of India and others** in OA No.2763/1999 decided on 12.1.2001. In the cited case, the applicant had earlier filed the application for appointment to the post of Store Keeper. It was disposed of with a direction to appoint the applicant on the basis of selection that had been made as when the ban imposed by the Government of India is lifted. When the ban was lifted, he had filed a fresh original application and a direction was given that the applicant should be so appointed. As is apparent from the nature of the facts stated above, they are totally different. Here we are not called upon to carry forward any order passed by this Tribunal and, therefore, the decision referred to above is patently distinguishable.

8. Other decision relied upon on behalf of the applicants is of this Tribunal in the case of **Shri Kulbir Singh & ors. v. Union of India and ors.**, in OA No.2843/1991 decided on 9.2.1996. In the said case, the applicants were initially



engaged as Casual Labour in the year 1984-85. They were disengaged and they filed representations from time to time. This Tribunal took note of the fact that no person junior to the applicants had been appointed. A direction was issued that if and when the ban is lifted and there is work available, the respondents should consider engaging the applicants in preference to juniors and outsiders. The facts once again reveal that the case was totally different from the present case in hand.

9. In the present case in hand, the letter issued to the applicants clearly indicated that they should send three copies of the attestation form. It mentioned that ~~that~~ ^{it} was no offer of appointment or any commitment for appointment. Even if for the sake of argument, it be taken that the applicants had been selected, any indefeasible right is not accrued to them. Normally, the life of a panel would be one year. If for any reason, the Government decides otherwise such as that there is a ban imposed, it cannot be termed that after ~~many years~~ ^{some} time, the same person would claim to be appointed.

10. We know from a decision of the Punjab and Haryana High Court in Civil Writ Petition No. 2929/1997 in Ms. Pushpa Sharma v. State of Haryana and Others decided on 13.5.1997 that the

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normal life of a panel would be one year and thereafter it would be improper to issue a direction in this regard.

11. Reverting back to the facts of the present case, as is apparent that the applicants are seemingly so selected in the year 1985 but at this late stage they cannot enforce a right to claim that they must be so appointed. An almost similar question arose before this Tribunal in the case of **Vijay Pal and anr. v. Union of India and others** in OA No.1881/2001 decided on 6.2.2002. Selection had been conducted in 1985 and a ban had been imposed. After 16 years, the applicants wanted a direction from this Tribunal to be so appointed. The application was rejected on the ground of laches.

12. No difference is the position in the present case. The action had been delayed inordinately and therefore, there is no ground to award the relevant claim.

13. For these reasons, the application being without merit, must fail and is dismissed. No costs.

Announced.

(Govindan S. Tampi)
Member (A)

SOS

(V.S. Aggarwal)
Chairman

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