

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2127/2001 with OA 312/2002

New Delhi, this the 29th day of October, 2002

Hon'ble Shri M.P. Singh, Member(A)  
Hon'ble Shri Shanker Raju, Member(J)

OA 2127/2001

1. Yash Pal Singh  
3/63, Mai Dayal Building  
Palam Rly. Station and 5 Others
2. Smt. Rajani Bala  
WZ-25-B, Phase I  
Om Vihar, Uttam Nagar, New Delhi
3. Dharam Singh  
V&PO Sikandra, Dadi  
Baindi, Dt. Dasa  
Sikar (Rajasthan)
4. Navneet Kumar  
332, V&PO Katewra, Delhi
5. Smt. Sarita  
A-18/1, DDU Hospital Res. Complex  
Hari Nagar, New Delhi
6. Sunil Kumar  
B-2/4, DDU Hospital Res. Complex  
Hari Nagar, New Delhi .. Applicants

(By Shri C.L.Dhawan, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary  
Old Secretariat, Delhi
2. Medical Superintendent  
Deen Dayal Upadhyay Hospital  
Hari Nagar, New Delhi
3. Administrative Officer  
Deen Dayal Upadhyay Hospital  
Hari Nagar, New Delhi
4. Secretary (Health)  
Old Secretariat, Delhi .. Respondents

(By Ms. Renu George, Advocate)

OA 312/2002

Sita Rani  
B-7/3, Deen Dayal Upadhyay Hospital  
New Delhi .. Applicant

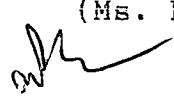
(By Shri U. Srivastava, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary  
Old Secretariat, Delhi
2. Medical Superintendent  
Deen Dayal Upadhyay Hospital  
Hari Nagar, New Delhi .. Respondents

(Ms. Renu George, Advocate)



ORDER(oral)

Shri M.P. Singh, Member(A)


As the issues involved and the reliefs prayed for are identical, we proceed to dispose of both the aforesaid two OAs by a common order.

2. The admitted position in OA 2127/2001 filed by six applicants are that in response to the advertisement released by the respondents in the newspapers on 10.4.2001 for filling up the posts of Nursing Orderly, Chowkidar and Safai Karmachari, applicants No.1 to 3 applied for the post of Nursing Orderly, while applicant No.4 applied for the post of Chowkidar and applicants No.5 and 6 applied for the post of Safai Karmachari. All these applicants appeared for interview before the Staff Selection Board, DDU Hospital and their names appeared in the select list published by the said Hospital on 29.6.2001. However, on 3.7.2001 Respondent No.4 sent a FAX message to Respondent No.2 to the following effect:

"This is regarding recruitment of candidates for filling up Group D vacancies in your Hospital. In this regard, I would like to draw your attention to National Commission for Minorities order No.7/22/04/01-NCM dated 10.5.2001 conveyed to all Medical Superintendent under Govt. of NCT of Delhi for necessary compliance. The Commission has specifically desired that results of the selection should be withheld till the report is submitted to the Commission in regard to the modalities adopted for selection.

The action taken by the Hospital in finalizing the list and publishing it without obtaining the clearance from the Commission is highly irregular. The list should be withdrawn forthwith and cancelled. All the relevant papers like applications, internal orders issued, evaluation sheets etc. of the interview Boards should be taken immediately in your personal custody and detailed report furnished to the Government.

Necessary compliance in this regard may kindly be conveyed."



3. Similarly applicant in OA 312/2002, who was sponsored by the Employment Exchange vide order dated 17.4.2001, also appeared for interview in DDU Hospital on 30.4.2001 for the post of Dresser. His name was shown in the list of selected candidates in the result published on 2.7.2001. However, the respondents have cancelled the above selection and rejected the request of the applicant for issuance of appointment order.

4. Aggrieved by this, applicants are before us seeking to set aside the aforesaid fax message with the direction to the respondents to issue offers of appointment to them.

5. Respondents in their reply have stated that while the selection process was going on, they got a directive from the National Commission for Minorities on 10.5.2001 directing Respondent No.1 to withhold the result of selection in DDU Hospital and other hospitals. Immediately, after the display of the list the matter was brought to the notice of the respondent/Government and taking a serious view of the irregularity, the impugned fax message was issued. Meanwhile, there were also complaints received against the selection process and finalization of the list. An administrative enquiry was ordered into the entire matter to be conducted by a senior officer of the Department of ISM&H, Govt. of NCT of Delhi. This enquiry has brought out the glaring irregularities and improprieties in the selection process. Accordingly, a public notice dated 4.7.2001 has

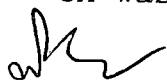
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been issued by Respondent No.2 conveying the withdrawal and cancellation of the list of selected candidates of Group D in DDU Hospital put up on notice board on 2.7.2001. Respondents have also annexed a copy of the enquiry report dated 1.8.2001 into the alleged irregularities in the recruitment of Group D staff in DDU Hospital. In view of this, respondents have contended that the applicants are not entitled for the reliefs prayed for and the OA be dismissed.

6. We have heard the learned counsel for the parties and perused the records.

7. Though the learned counsel for the applicants have relied upon a catena of judgements of the apex court to contend that since applicants' names had appeared in the selection list notified by the respondents they have acquired an indefeasible right to be appointed, respondents' counsel has submitted that the apex court has also clearly held that it is in order to cancel selection proceedings in all cases where large scale bunglings were found to have taken place.

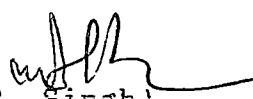
8. The learned counsel for the respondents has also drawn our attention to the judgement dated 6.9.2002 of a coordinate Bench of this Tribunal in OA 1969/2001 filed by similarly situated applicants relating to the same selection process and the same public notice dated 4.7.2001. After discussing the case in detail, the said OA was dismissed being devoid of merit.



9. We have gone through this judgement and we are satisfied that the present OA is covered in all fours by the said judgement dated 6.9.2002. We have no reason to take a contrary view than the one arrived at in the aforesaid judgement dated 6.9.2002. In the result, both the present OAs, viz. OA 2127/2001 and OA 312/2002 are dismissed. No costs.

S. Raju

(Shanker Raju)  
Member(J)

  
(M.P. Singh)  
Member(A)

/gtv/