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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3235/2001
MA No.2660/2001

New Delhi this the 3rd day of December, 2001.

HON'BLE MR. V.K. MAJOTRA, MEMBER (ADMNV)

Udayveer Singh,
S/o Shri Hoti Lal,
Village Sarai Post Office Barla,
District: Aligarh (UP).

-Applicant

(By Advocate Shri D.N. Sharma)

-Versus-

1. Union of India through
the Secretary to Govt. of India,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. The Director of Printing,
Govt. of India,
Nirman Bhawan,
New Delhi.
3. The Manager,
Govt. of India Press,
Aligarh (UP).
4. Shri Raj Kumar Mazdoor,
S/o Shri Ram Singh,
Government of India Press,
Aligarh (UP).

-Respondents

(By Advocate - None)

ORDER (ORAL)

Heard. The facts of the case in brief are that the respondents initiated the process of selection for the post of Mazdoor requisitioning names from the Employment Exchange. Vide Annexure A-2 dated 7/8.12.94, among others, the applicant was selected for the post reserved for SC. It is alleged that whereas the respondents completed all other formalities like medical examination, verification of antecedents etc. of the selected candidates, the applicant was discriminated against and no action was taken towards completion of formalities regarding the applicant. As such whereas all other candidates, including those belonging to

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scheduled castes were appointed by the respondents on completion of their formalities the applicant was left out. He took the matter before the Hon'ble High Court of Judicature at Allahabad through Writ Petition No.23617/99 which was disposed of on 28.5.99, granting liberty to the applicant to make representation regarding his claim to the concerned authority who were required to decide his representation within a period of two months, from the date of production of a certified copy of High Court's order in accordance with law. The applicant is stated to have made his representation in pursuance of the aforesaid order of the High Court vide Annexure A-11 dated 29.9.99 received by the respondents on 30.10.99 which was rejected by the impugned order at Annexure A-1 dated 24.11.99 on the ground that before the formalities regarding the applicant could be completed the Ministry of Urban Development had imposed a ban on direct recruitment and thus new recruitment could not be made. The respondents have also stated that the selection of the applicant does not confer any right on him for appointment.

2. The learned counsel for the applicant further stated that the applicant's made a representation on receipt of Annexure A-1 to the respondents on 3.1.2000 (Annexure A-12) which was addressed to the Secretary, Ministry of Urban Development whereafter he has sent quite a few reminders to the respondents which have remained unresponded.

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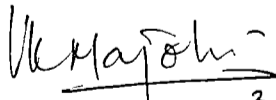
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3. In the peculiar circumstances of the case MA-2660/2001 which is an application for condonation of delay, is allowed, in the interest of justice.

4. I find that in the impugned order dated 24.11.99 (Annexure A-1) the respondents have not dealt with various points raised by the applicant. It is surprising that whereas formalities in respect of other selected candidates were completed by the respondents and they were offered appointment, the respondents have not explained why formalities have not been completed in the case of the applicant. The ban on direct recruitment was there for every one then how whereas others on the select panel were appointed and the applicant was not. This is a clear discrimination against the applicant, which has not been squarely met by the respondents in the impugned order.

5. Having regard to the facts and circumstances of this case I find that interest of justice would be duly met by disposing of this OA, even at this stage and without issuing a notice to the respondents, requiring them to complete all formalities in the case of the applicant, within a period of two months from the date of receipt of this order and in case the applicant is found to be fit for appointment offer him appointment as Mazdoor. I order accordingly. No costs.


(V.K. Majotra) 3.12.2001
Member (A)

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