

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 3392 of 2001

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

HON'BLE MR. KULDIP SINGH, MEMBER (JUD1)  
HON'BLE MR. M. P. SINGH, MEMBER (A)

Puran Lal  
S/o Late Loknath  
R/o Village: Kotra  
Post: Itail,  
District: Jhansi.

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... APPLICANT

(By Advocate: Shri A. K. Trivedi)

Versus

1. Kendriya Vidyalaya Sangathan  
Through It's Commissioner,  
KVS Headquarters, 18,  
Institutional Area,  
Saheed Jit Singh Marg,  
New Delhi.

2. The Assistant Commissioner (Admin)  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Saheed Jit Singh Marg,  
New Delhi-110 016.

- RESPONDENTS

(By Advocate: Shri S. Rajappa)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Jud1)

The applicant, who is an ex-serviceman, has filed this OA seeking the following reliefs:-

(a) Direct the respondents to declare the number of posts are to be filled up in the post of Librarian and further the number of post reserved for Ex-serviceman category.

(b) Further direct the respondents to declare the status of the applicant and if he is found selected for the post of Librarian he may be issued with appointment order.

*[Signature]*

2. The facts in brief are that the respondents vide Annexure A-3 advertised certain vacancies for the post of Librarian. Applicant is an ex-serviceman and holds the qualification of Post Degree in Political Science and Bachelor Degree of Library and Information Science from Bundelkhand University, Jhansi. In the advertisement though there was a reference that the policy of reservation for Scheduled Caste, Scheduled Tribes and OBC as well as for ex-serviceman persons and even disabled persons would be followed as per the Government of India rules and instructions. However, the applicant has a grievance that the department did not notify the number of vacancies for each post, therefore, it is not clear that how many posts have to be filled up against each quota. This is gross violation of rules.

3. The applicant further submits that he is fulfilling all the eligibility conditions for the post of Librarian and had applied for the post. The applicant was allotted Roll No. 5321950515 for appearing in the written examination which was held on 29.8.99. The applicant appeared in the written examinations, but the result for category of ex-serviceman was not declared.

4. It is also submitted that the applicant approached the Tribunal by filing an OA seeking the directions to declare the result of ex-serviceman and if the applicant is found to be passed, he should be allowed to appear in the interview and the OA was disposed of by directing the respondents to declare the result of the applicant.

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5. Thereafter the applicant was issued interview letter dated 23.2.2000 to appear for interview on 16.3.2000. Accordingly, the applicant had appeared in the interview on 16.3.2000 and had done to his best in the interview.

6. It is further submitted that the applicant came to know that the respondents have issued appointment orders to all the candidates and it was learnt that they have not appointed any ex-serviceman to the post of Librarian. It is also submitted that the applicant approached the respondents a number of times to know the merit list of ex-serviceman selected for the post of Librarian, but he is not being entertained by the respondents. On hearing nothing, the applicant filed a representation dated 26.11.2001 to the respondents requesting them to also issue him the appointment letter but till date no reply has been received by the applicant.

7. It is further submitted by the applicant that it is the duty of the respondents to notify the number of post in each category for the information of the public which, they have not done, therefore, it is not clear that how many posts are to be filled up.

8. The applicant has taken various grounds to contest the OA and his main ground is that the respondents are duty bound to declare the number of posts

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in each category at the time of advertisement for information of public in large which they have failed to do.

9. It is also submitted by the applicant that the respondents intentionally wants to deprive the applicant of his legitimate right as earlier also they have declared the result of applicant for written examination only after filing of the OA.

10. It is further submitted that as per the GOI instructions 10% in Group 'C' post and 20% in Group 'D' post are to be reserved for ex-serviceman, but in the case of recruitment conducted by the respondents, no posts have been shown against any of the post/category which is irregular and unjustified and, therefore, the applicant has prayed for the reliefs mentioned in para 1 above.

11. The OA is contested by the respondents by filing the reply and it is pleaded that OA is not maintainable inasmuch as the reliefs sought by the applicant cannot be granted by this Tribunal in view of the fact that the applicant has no vested right for being appointed to the post of Librarian nor does he has any right to make a prayer before this Hon'ble Tribunal for a direction to the KVS for declaring the number of posts that have to be filled up for the post of Librarian and the number of posts reserved for ex-serviceman category.

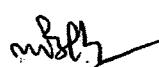
12. It is further submitted by the respondents that while making recruitment to the post of teachers, the policies regarding relaxation and concession admissible to the candidates of ex-serviceman category

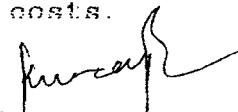
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were granted and followed and hence no violation to the rules in this regard has been done in the case of the applicant, so the OA deserves to be dismissed.

13. We have heard the learned counsel for the parties and gone through the records the case.

14. Before going into the merits of the case we may mention that the reliefs sought by the applicant are more in the nature of making fishing enquiry regarding as to how many vacancies were there for ex-serviceman and what is the status of the applicant after his interview has been conducted by the respondents-department, so such reliefs cannot be granted. Hence the only relief that can be granted is to issue a direction to the respondents to dispose of the representation filed by the applicant on 26.11.2001. Accordingly, the OA is disposed of with a direction to the respondents to dispose of the representation of the applicant by passing a reasoned and speaking order and also informing him whether he has succeeded or failed even against the vacancy meant for ex-serviceman within a period of 3 months from the date of receipt of a copy of this order. No costs.

  
(M. P. SINGH)  
MEMBER (A)

  
( KULDIP SINGH )  
MEMBER ( JUDL )

Rakesh