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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 641/2001/PB

New Delhi: this the 7th day of AUGUST, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Pankaj Garg,

S/o Sri S. C. Gupta,

R/o K-H 169, New Kavi Nagar,

Ghaziabad

....Applicant.

(By Advocate: Shri Ashwani Bhardwaj)

Versus

1. Union of India
through
the Secretary,
Ministry of Information and Broadcasting,
Govt. of India,
New Delhi.

2. The Secretary,
Ministry of Information & Broadcasting,
Govt. of India,
New Delhi.

3. The Secretary,
Ministry of Railway,
Govt. of India,
New Delhi.

4. The Secretary,
Ministry of Telecommunication,
Govt. of India,
New Delhi.

5. The Secretary,
UPSC,
Shahjahan Road,
New Delhi.

.....Respondents.

(By Advocate: Shri Rajinder Khattar)

ORDER

S. R. Adige, VC(A):

Applicant seeks a direction to respondents to appoint him in the Deptt. of Railways or Deptt. of Telecommunication as per preference given by him in the CES exam., 1992.

2. Heard both sides.

3. Admittedly CES Exam., 1992 was conducted by UPSC in terms of Rules notified vide Notification dated 15.2.92 (Annexure-CA-1). Applicant who belongs to general category appeared in the said exam. and secured 165 th rank in Electronics and Telecom. category. On the basis of this rank he could not be allocated to IRSSE, IRSS and ITS but was allocated to IBS as per his 4th preference. Allocation to services on the basis of CES Exam., 1992 was finalised and circulated to all concerned Ministries on 12.10.93 with instructions to issue offer of appointment as early as possible subject to police verification etc. Applicant was issued appointment offer from I & B Ministry on 5.6.94 and upon his request joining time was extended by 3 months and he was directed to report for duty on 5.9.94.

4. Applicant's contention is that various general category persons in the merit list did not join the aforesaid Engineering Services or were likely to leave their service as they had been selected for IAS and he could have been adjusted against one of them which respondents had not done.

5. A similar issue came up for consideration before a 5 Judge Bench of the Hon'ble Supreme Court in Shankarsan Dash Vs. UOI AIR 1991 SC 1612. In that case

"A candidate's name was included in the combined merit list (general category) for IPS and Police Services Group 'B'. But he could not be selected for IPS as his position in merit list was not high enough. He was offered appointment

in Police Service Group 'B' which he accepted. Vacancies arose in the IPS due to selected candidates not joining the service. Some of the them remained unfilled by the time the process of final selection was closed."

6. Dismissing the appeal the Hon'ble Supreme Court "held that the candidate could not, as of right, claim that he should have been selected, when his name could not be included before the process of final selection was closed."

7. In our view the ratio of the aforesaid ruling squarely applies to the facts and circumstances of the present case. Applicant's counsel has cited the rulings in A.V. Bhogeshwarudu Vs. A.P. Public Service Commission JT 1989(4) SC 130 and UOI & Ors. Vs. K.L. Bablani AIR 1999 SC 517, but in the light of the aforesaid ruling in Shankarsan Dash's case (supra) which is by a 5 Judges Bench and is directly on the point in issue, the rulings relied upon by applicant's counsel do not advance applicant's claim.

8. The OA is dismissed. No costs.

A. Vedaavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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