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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 491 of 1995 New Delhi, dated the 7th Aug. 95

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

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

Shri M. Sakthivelu,
S/o Shri S.K. Marakkutti,
SA 42, RRL Colony, Canal Road,
Jammu.

(Applicant appeared in person) APPLICANT

VERSUS

State of NCT of Delhi through
the Secretary,
Development Commissioner,
Irrigation & Flood Control Deptt.,
Delhi Admn., Transport Building,
5/9, Under Hill Road,
Delhi.
(None appeared)

.... RESPONDENTS

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Sakthivelu, Asstt. Engineer, Regional Research Laboratory, Jammu has sought for a direction to the Respondents to issue him an offer of appointment to the post of Asstt. Surveyor of Works (C), Engineer Officer (Civil) in the Irrigation & Flood Control Deptt. of Delhi Admn.

2. Shortly stated the applicant's case is that he was recommended for appointment to the said post on the basis of a UPSC interview by the UPSC vide their letter dated 20.7.92 but thereafter, in spite of repeated representations to the Respondents, they have not issued him an appointment letter.

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3. Notices were served to the Respondents on 18.5.95, but in spite of service none has appeared for the Respondents nor any reply has been filed.
4. The applicant who was present in person during hearing before us states that apart from his representation he has met the concerned authorities, on more than one occasion, but has so far not received any satisfactory response from them.
5. Copies of the representations and reminders he has sent to the Respondents have been annexed with the O.A. beginning with his earliest representation dated 9.2.93. In this connection the applicant has invited our attention to the Hon'ble Supreme Court's ruling in Prem Prakash Vs. UOI 1985 (2) SLR 757, paragraph 15 of which contains the Home Ministry's Notification dated 8.2.82, which runs as follows:

"Subject: Validity period of list of selected candidates prepared on the basis of direct recruitment/Departmental Competitive Exam. The undersigned is directed to say that references are being received from time to time from Ministries/Depts., enquiring as to what should be the validity period of a list of selected candidates prepared on the basis of direct recruitment or Departmental Competitive Exam.

Normally, in the case of direct recruitment a list of selected candidates is prepared to the extent of the number of vacancies (other persons found suitable being put on a reserve list, in case some of the persons on the list of selected candidates do not become available for appointment). Similarly, in the case of Departmental Competitive Exams, the list of selected candidates has to be based on the number of vacancies on the date of declaration of results, as the examination is competitive and selection is based on merit. A problem may arise when there is a fluctuation in the vacancies after the list of selected candidates is announced.

The matter has been carefully considered. Normally, recruitment whether from the open market or through a Departmental Competitive Exam, should take place only when there are no candidates available from an earlier list of selected candidates. However, there is likelihood of vacancies arising in future; in case, names of selected candidates are already available, there should either be no further recruitment till the a-vailable selected candidates are absorbed or the declared vacancies for the next exam. should take into account the number of persons already in the list of selected candidates awaiting appointment. Thus, there would be no limit on the period of validity of the list of selected candidates prepared to the extent of declared vacancies, either by the method of direct recruitment or through a Departmental Competitive Exam.

Once a person is declared successful according to the merit list of selected candidates, which is based on the declared number of vacancies, the appointing authority has the responsibility to appoint him even if the number of the vacancies undergoes a change, after his name has been included in the list of selected candidates. Thus where selected candidates are awaiting appointment, recruitment should either be postponed till all the selected candidates are accommodated or alternatively intake for the next recruitment reduced by the number of candidates already awaiting appointment and the candidates awaiting appointment from a fresh list from the subsequent recruitment exam."

6. In the background of the submission made by the applicant, we dispose of this O.A. with a direction to the Respondents to pass a detailed, speaking and reasoned order in accordance with law upon the applicant's representation dated 8.2.93 within one month from the date of receipt of copy of this order, under intimation to the applicant.

7. Advocate Shri Raj Singh counsel for Delhi Administration who is present in court should take necessary steps to see that these directions are

implemented within the prescribed time period.

A copy of this order should also be issued to him.

This O.A. is disposed of accordingly. No costs.

A. K. Veda Valli

(DR. A. VEDAVALLI)
Member (J)

S. R. Adige

(S. R. ADIGE)
Member (A)

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