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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

Original Application No.1177 of 1995

New Delhi, this the 12th day of October, 1999

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN(JUDL)  
HON'BLE MR. S.P.BISWAS, MEMBER(ADMNV)

Shri Vijay Pal son of Shri Raj Pal,  
aged about 25 years, and resident  
of Staff Quarter No.3, Sewa Kutir,  
Kingsway Camp, Delhi-9 and working  
as Asstt.Pump Operator, as Daily  
Rate worker in Temporary status  
establishment in P.W.D., Electrical  
Division, Delhi

....Applicant

(By Advocate: Shri Gyan Prakash)

versus

1. Union of India, through  
Secretary, Ministry of Urban  
Development, Nirman Bhawan,  
New Delhi.
2. The Director General,  
C.P.W.D., Nirman Bhawan,  
New Delhi
3. Supdt. Engineer, Coordination Civil  
C.P.W.D., I.P. Bhawan, New Delhi
4. Supdt. Engineer, Coordination,  
Electrical, I.P. Bhawan,  
New Delhi

....Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)

BY HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN(J)

The applicant who is working as workcharged  
Assistant Pump Operator under the respondents since  
2.9.88, applied for recruitment to the post of Work  
Assistant pursuant to the notification dated 13.5.93.  
The notification contained a clause that there would be  
a competitive examination. The grievance of the  
applicant is that the respondents are not holding the  
competitive examination and have also not considered him  
for selection to the said post. Therefore he has filed

this O.A. seeking the following reliefs:-

"(a) The Respondents may be directed to quash interview and trade test being held in July, 1995 for the post of Work Asst. which are being held without holding competitive examination.

(b) The respondents may be directed to hold competitive examination as promised in O.M. dated 6.10.1993 and on the basis of competitive examination hold interview and Trade Test. The respondents may be directed to call applicant for competitive examination since he satisfied all conditions for the same. In case it is not possible, the respondents may be directed to call the applicant for interview and Trade Test immediately of necessary by extending the date of interview."

2. The respondents in their reply statement have contended that in view of the standing instructions, as the applicant was engaged only on 2.9.88, he was ineligible to be considered for selection. They further contend that the applicant does not possess the essential qualification of Drawing and, therefore, was ineligible for selection.

3. When the matter came up for hearing, learned counsel for the applicant placed for our perusal an order dated 7.5.94 by which the applicant alongwith others has been granted temporary status. Since the applicant is a workcharged employee with temporary status, the contention of the respondents that he is ineligible to be considered for selection because he was engaged after 1985, has no force. However, since the applicant does not possess the essential qualification

prescribed in the notification dated 13.5.93, we are of the considered view that the rejection of the applicant's candidature on that account cannot be faulted.

4. In the result, the application fails and is accordingly dismissed. No costs.

*S. P. Biswas*  
( S.P. Biswas )  
Member(Admnv)

*A. V. Haridasan*  
( A.V. Haridasan )  
Vice Chairman(Jud1)

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