

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.325/96

✓ New Delhi this the 23rd day of May 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Shri Vijay Kumar Malhotra
Son of Shri J.N.Malhotra
R/o C-30 Duggal Colony
Devli Road, Khanpur
New Delhi - 110 062.

...Applicant.

(By Advocate: Shri V. S. Shekhar)

Versus

Union of India through
Directorate of Coordination
Police Wireless
Ministry of Home Affairs
Block No.9, CGO Complex
Lodhi Road, New Delhi.

Secretary
Ministry of Home Affairs
North Block, New Delhi.

...Respondents.

(By Advocate: Shri M.K.Gupta)

ORDER (Oral)

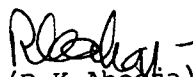
Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

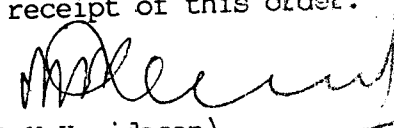
The applicant who is working as Laskar Fitter under the first respondent is aggrieved by the fact that though he was allowed to participate in a test for selection to the post of Storeman and though, according to him, he was placed on top of the list, the respondent has not announced the results, denying him the benefit of appointment. Therefore, the applicant has filed this application for a direction to the respondents to appoint the applicant to the post of Storeman, on the basis of his position in the select list and also in the alternative to direct the respondent to dispose of the representation made by him on 24.11.95.

2. The respondent contests the application. The respondent contends that the selecting body has prescribed a general typing test as knowledge of typing is a preferred qualification mentioned in the Recruitment Rules for the post.

3. The applicant in his rejoinder has contended that typing test was not held for making selection to the post and that the cancellation of the selection was motivated.

4. As the issue involved in this case is quite simple and the counsel on either side agree that the case may be disposed of at the admission stage itself, we have heard the counsel for final disposal. Shri V.K.Shekhar, learned counsel appeared for the applicant and Shri M.K.Gupta appeared for the respondents. The fact that the applicant had topped the list in the selection process is not categorically denied in the reply statement filed by the respondents. The only reason for cancellation of the select list, according to the respondent, is that the typing test was not held while the same was prescribed as a preferred qualification. We are of the considered view that it is unfair to a person who has already undertaken test and placed on top in the select list to cancel the selection completely while any omission to hold the typing test ^{if necessary} would have been rectified by holding a test. Under the circumstances, we dispose of this application with a direction to the respondents to hold a typing test, if they still deem it necessary to hold such a test, to finalise the select list and make appointment accordingly, within a period of 3 months from the date of receipt of this order.


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

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