

Central Administrative Tribunal, Principal Bench

Original Application No.737 of 1996

New Delhi, this the 21st day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

1. Pradeep Kumar, S/o Shri R.N. Zyalpuri, R/o
2F/33, Andrews Ganj, New Delhi.
2. Bijendar Singh, S/o Shri Ranjeet Singh, R/o
Q.No.1349, Gulabi Bagh, New Delhi. - Applicants
(By Advocate None)

Versus

1. Government of National Capital Territory of
Delhi through the Chief Secretary, Govt. of
NCT, Delhi, 5 Alipur Road, Delhi.
2. The Director, Training & Technical
Education, 'C' Block, Vikas Bhavan, IP
Estate, New Delhi-2. - Respondents
(By Advocate -None)

O R D E R (Oral)

By V.K. Majotra, Member (Admnv) -

Parties and advocates are absent. We have perused the O.A. and we proceed to dispose of the same on merits as provided under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant no.1 on selection was appointed as Instructor vide letter dated 19.9.1981 in the grade of Rs.1400-2600 and has been working with the respondents as such ever since. Applicant no.2 was selected by the respondents as Workshop Attendant in the grade of Rs.950-1500 on 12.11.1992 and has been working as such since then. The respondents vide circular dated 16.12.1993 invited applications against direct recruit vacancies through employment exchange as well as from the departmental candidates to fill up the vacancies in the post of Foreman Instructor, Supervisor, Senior Technical Assistant Group 'C' non-gazetted etc. About 250 applications were received. A written test was to be held on 18.4.1995 which was postponed by the respondents and finally it was decided to hold the

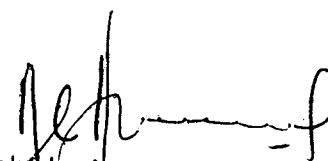
interview only and prepare a panel on that basis. On 24.7.1995 on the basis of the interview a panel of 12 persons was prepared. However, in addition to these 12 persons another additional panel of five persons in which the names of applicant no.1 and applicant no.2 appear was also prepared. On the basis of the panel of 24.7.1995, 12 persons therefrom were appointed in the cadre of Foreman Instructor, Senior Technical Assistant, Supervisor etc. Their appointments were challenged in OA No.1577/1995 in the case of Raj Singh & others Vs. Govt. of NCT of Delhi and others. The applicants claim that even though there are 7 more vacancies with the respondents they have not appointed any one from the additional panel on the ground that the life of the said panel being one year has expired on 24.7.1996. The applicants have sought appointment/ promotion in the cadre of Foreman Instructor/ Supervisor/ Senior Technical Assistant in the grade of Rs.2000-3200 on the basis of the additional panel dated 24.7.1995.

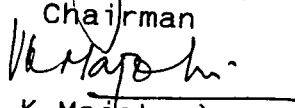
3. In their counter the respondents have taken a preliminary objection that the applicants being in the waiting list have no indefeasible right to be appointed even if vacancies exist. They state that 127 applications were received through the employment exchange and 129 applications from departmental candidates. 12 candidates were appointed as Foreman Instructor/ Senior Technical Assistant/Surveyors etc. on the basis of interviews. However, their appointments were challenged in OA No.1577/95 (Shri R.S.Malik Vs. Govt.of Delhi and others), OA No.1855/95 (Shri Charanjit Singh Vs. Govt. of NCT) and OA 114/96 (Smt. Kamalini Kumari Vs. Govt. of NCT). In MA 2662/95 in OA 1577/95

on 2.11.1995 the Tribunal directed that there will not be any appointment of any person whose name is not included in Annexure 'A' of that OA i.e. order dated 24.7.1995. The applicants have filed rejoinder as well.

4. We have considered the material available in the file. In view of the order dated 2.11.1995 in MA 2662/95 in OA 1577/95 wherein this Court has issued directions to the respondents not to make any further appointments whose name is not included in the Annexure-A to that OA i.e. order dated 24.7.1995, the respondents have not made any offer of appointment to any one in the additional panel which includes the names of the applicants. We are in agreement with the respondents that the applicants who are included in the additional panel or waiting list have no indefeasible right to be appointed even if vacancies exist. Mere selection does not give any right to the candidates for appointment as decided in State of Haryana Vs. ^{S.C.} Marwaha, AIR 1973 SC 2216.

5. In view of the directions dated 2.11.1995 in MA 2662/95 in OA 1577/95 and the above discussion, we find no merit in the OA, which is dismissed accordingly. No order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)