

Central Administrative Tribunal  
Principal Bench

O.A. 1325/97

(21)

New Delhi this the 4 th day of February, 1999

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**  
**Hon'ble Shri N. Sahu, Member(A).**

Mahesh Chander,  
S/o Shri Harphool,  
R/o Vill & PO - Sumera,  
Distt. Aligarh (UP). . . . . Applicant.

By Advocate Shri A.K. Bhardwaj.

Versus

Union of India through

1. The Secretary,  
Ministry of Information and  
Broadcasting,  
Shastri Bhawan,  
New Delhi.
2. The Director General,  
All India Radio,  
Akashwani Bhawan,  
Sansad Marg, New Delhi.
3. The Superintending Engineer,  
Govt. of India,  
Office of the Superintending Engineer,  
High Power Transmission, All India  
Radio, Aligarh.
4. Shri Chanderpal,  
C/o The Superintending Engineer,  
Govt. of India, Office of the  
Superintending Engineer,  
High Power Transmission, All India  
Radio, Aligarh. . . . Respondents.

By Advocate Shri S.M. Arif.

O R D E R

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

The applicant is aggrieved by the action of the respondents in not considering him for the post of Khalasi in 1996.

2. The applicant was appointed as Cleaner with the respondents on 23.4.1986 after being interviewed along with 23 other persons. According to him, he was appointed as Cleaner instead of Helper Khalasi. Learned counsel for the applicant

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submits that after he was appointed, he was assured that he would be considered for the post of Khalasi as and when the post falls vacant. Shri A.K. Bhardwaj, learned counsel for the applicant, has submitted that in August, 1996 2 posts of Khalasi were to be filled wherein all Casual Labourers with temporary status were considered. He has submitted that 2 other persons who are Casual Labourers were appointed and thereafter the applicant immediately requested the respondents to consider his request for consideration for appointment to this post. The respondents in their reply have submitted that in 1987, one Shri Ratan Lal who was also working as Safaiwala was appointed as Khalasi when the applicant was also considered by the Selection Committee. With regard to the recruitment in 1996, they have stated that the recruitment was restricted to Casual Labourers with temporary status only, in accordance with the O.M. dated 10.9.1993 (R-2).

3. Under the recruitment Rules, the method of recruitment for the post of Khalasi is 100% by direct recruitment. The respondents have also denied that any such assurance has been given as claimed by the applicant. According to them, he did not fulfil the requisite eligibility condition as provided in the Recruitment Rules read with DOP&T instructions dated 10.9.1993. They have submitted that the applicant was appointed as Safaiwala and not as a Cleaner and he was about 19 years. He was 20 years on 9.9.1987 and had passed only 5th standard and he cleared junior High School which is equivalent to middle or eighth standard, only in 1989. Therefore, being within the age limit, he was allowed to take the interview on 10.9.1987 along with other candidates but was not selected. According to the respondents, they had proceeded to consider and select persons for the posts of Khalasi from among those Casual Labourers who had been granted temporary status.

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4. Since the method of recruitment to the post of Khalasi is 100% by way of direct recruitment, we are unable to agree with the contention of the respondents that the same should be restricted only to Casual Labourers having temporary status in accordance with the DOP&T O.M. dated 10.9.1993. However, in this case, it appears that the applicant himself had not submitted any application for being considered for one of the two posts of Khalasi which fell vacant in 1996, as he has stated that he had made a request to Respondent 3 to consider his case also for the said post. In the facts and circumstances of the case, we are, therefore, unable to hold that the respondents have acted illegally in not considering the applicant for the post of Khalasi in the interview held on 20.8.1996. It is, however, open to the applicant to submit his application for consideration for any other post as Khalasi which may fall vacant in ~~near~~ future in accordance with the relevant recruitment Rules.

5. In the result, for the reasons given above, we find no merit in this application. The same is accordingly dismissed. No order as to costs.

N. Sahu

(N. Sahu)  
Member(A)

'SRD'

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)  
Member(J)