

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1904/97
I.A. No.

199

DATE OF DECISION 12.3.98

Sh.Vinay Kant Rao & Ors.

Petitioner

Sh.V.S.R.. Krishna with Shri R.K.
Shukla.

Advocate for the Petitioner(s)

Versus

Chief Secy.Govt.of NCT of Delhi.

Respondent

Sh.Rajinder Pandita

Advocate for the Respondent

CORAM

The Hon'ble Sh.S.R. Adige, Vice Chairman(A)

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

1. To be referred to the Reporter or not? *yes*

2. Whether it needs to be circulated to other Benches of the Tribunal

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O.A. 1904/97

New Delhi this the 12 th day of March, 1998

Hon'ble Shri S.R. Adige, Vice Chairman(A).
Hon'ble Smt. Lakshmi Swamianthan, Member(J).

1. Shri Vinay Kant Rao,
B-572, Subhash Vihar,
North Gonda,
Delhi-53.
2. Shri Zahid Ali Siddique,
S/o Shri Mohd. Zafar Ali Siddique,
RZP-371/5, Raj Nagar-II,
Palam Colony,
New Delhi-45.
3. Ms. Sapna,
W/o Shri Rajeev Goel,
175, Harish Vihar,
Pitampura,
Delhi.

.... Applicants.

By Advocate Shri V.S.R. Krishna with Shri R.K. Shukla,
counsel.

Versus

1. Chief Secretary,
Govt. of NCT of Delhi,
5, Shamnath Marg,
Delhi.
2. Director,
Directorate of Social Welfare,
Govt. of NCT of Delhi,
1, Canning Lane,
Kasturba Gandhi Marg,
New Delhi.

... Respondents.

By Advocate Shri Rajinder Pandita.

O R D E R

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

This application has been filed by three applicants impugning the actions/inactions on the part of the respondents in not issuing the offers of appointment to them even though they have been duly selected and empanelled for appointment as Welfare Officer Grade-II with the respondents.

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2. It is an admitted fact that in pursuance of the respondents' circular for selection of 6 posts of Welfare Officer Grade-II, a panel was prepared (Annexure A-1). In this panel, 4 candidates are shown to have been declared successful against the general category and 2 candidates against the Scheduled Caste category. The respondents have also submitted that a panel was prepared of waiting list candidates who may be given the offer in case any one of the selected candidates did not join or resign, etc. and the resultant vacancies arose. During the hearing, the learned counsel for the applicants, submitted that one Ms. Harmeet Kaur Nanda whose name appears at serial No. 2 of the list of candidates declared successful by the respondents has since resigned. The learned counsel for the respondents has submitted that if the facts stated by the applicants are correct regarding the resignation of Ms. Harmeet Kaur Nanda, they will have no objection in making the offer to Applicant No. 3 Ms. Sapra, in accordance with her panel position.

3. The other contention raised by the learned counsel for the applicants was that since there were other candidates who were placed in the panel and readily available there was no reason to have again sent requisition to the Employment Exchange in respect of further 32 vacancies. The respondents in their reply have submitted that the Selection Board which had met on 8.1.1997 and 9.1.1997 had recommended 4 general candidates and 2 SC candidates and in the first instance all the 6 candidates had been appointed as Welfare Officer Grade-II. As regards the further requisition, they have sent to the Employment Exchange, they have submitted that the other candidates placed in the earlier panel cannot

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be accommodated against these vacancies because they have arisen after the revival of 43 posts of Welfare Officer, Grade-II by which time the panel published in January, 1997 has expired. The judgement of the Supreme Court in Prem Prakash Vs. Union of India (AIR 1984 SC 1831) relied upon by the applicants will not assist them in the facts of this case as that case dealt with fixing of quota for general candidates and SC candidates. Nothing has been placed on record to dispute the averments made by the respondents that the vacancies for which further requisition has been sent relates to the vacancies which have arisen after the panel had been published in January, 1997. In the facts and circumstances, the contenttion of the applicants 1 and 2 that they should be given the offer of appointments to the post of Welfare officer based on the Annexure-I panel does not have merit and it is rejected.

4. In the result, the application succeeds in part, as follows:

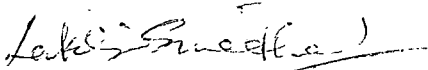
(a) subject to the verification of the facts mentioned in para 2 above, applicant No.3, Ms. Sapna, shall be sent an offer of appointment to the post of Welfare Officer Grade-II within two weeks from the date of receipt of a copy of this order.

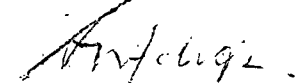
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- (b) In the case of the other two applicants
O.A. fails and it is rejected.

No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Vice Chairman(A)

'SRD'