

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-333/97

New Delhi this the 13th day of November, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

10

1. Sh. Kamal Nayan,
S/o Sh. Chander Bhan Sharma,
R/o 7-E/PWD Enquiry Quarter,
Gulabi Bagh, Delhi-7.

2. Sh. Hari Kishan,
S/o Sh. Kanshi Ram,
R/o H.No.10, Vill.Mithapur,
New Delhi-44.

..... Applicants

(through Sh. Sunil Malhotra, advocate)

versus

1. Director General (Works)
CPWD, Nirman Bhawan,
New Delhi.

2. Superintending Engg.,
(Coordination Circle(Electt.)),
401, A, I.P. Bhawan,
New Delhi.

..... Respondents

(through Sh. K.C.D. Gangwani, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The applicants have approached this Tribunal
praying for issue of a direction to the respondents to
appoint them as they were quite senior at Serial No.
56 and 69/73 of the select list to the post of Khalasi
(Electrical).

2. On notice, the respondents have filed
their reply and stated that since both the applicants
were from general community and there were 84 candidates
on the select list out of which only 53 candidates have
been offered appointment and the applicants S.No. being

56 and 69/73, they could not get the offer of appointment. It was also stated on behalf of the respondents that because of a ban on appointment by way of direct recruitment, they were only, making appointments within the department whenever vacancy arose by death/retirement/resignation etc. only and in the circumstances it was stated that as on today no additional vacancy is available and the respondents also undertake that as and when any vacancy becomes available, preference will be given to the applicants in accordance with their seniority on the select list.

3. The learned counsel for the applicants also brought to our notice an annexure filed alongwith an affidavit stating that there were large number of appointments made inspite of ban and beyond the number of 84 shown by the respondents in their reply. To this, the reply of the respondents was that there may have been discrepancy or mistake and a vigilance enquiry is being conducted to find out the actual position. They have also stated that they have no objection to offer appointment from among the candidates remaining in the select list in accordance with the seniority, in case some vacancies become available as a result of the decision of the vigilance enquiry and have also no objection to offer the said appointment with effect from an appropriate date in the year 1995.

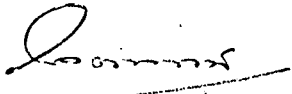
4. In the circumstances, the respondents shall pass an appropriate order firstly as and when the next vacancy become available and secondly as and when

the order on vigilance enquiry is finalised, and communicate the same to the applicants as soon as possible. The total number of 84 candidates have been put on select list on the basis of 84 notified vacancies. In case, the subsequent vacancies become available to accommodate the applicants of other similarly placed on the same panel, appointments will be from the date when vacancy arose and the remaining benefits will be in accordance with the rules. Liberty is given to the applicants in case any consequential reliefs are left out, to reagitate the matter in accordance with law.

12

5. With the above, the OA is disposed of.

No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

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