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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

✓ OA 365/97, OA 366/97, OA 715/97 & OA 716/97
alongwith MAs 1682/97, 1681/97, 1678/97 & 1679/97

New Delhi, this 25th day of July, 1997.

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

OA 365/97 with MA 1682/97
Shri Narinder Singh
Village & PO Kharkara
Tehsil Meham, Dt. Rohtak-124001 .. Applicant

OA 366/97 with MA 1682/97
Shri Ravinder Kumar & Mrs. Saroj Bala, w/o Shri Ravinder Kumar
A-18, MIG, Pocket 00
Sector II, Avantika, Rohini, Delhi .. Applicants

OA 715/97 with MA 1678/97
S/Shri
1. Niranjana Singh
MB-87, Shakarpur, Delhi-110092
2. Hans Raj Singh Nain
Village & PO Jatkhore, Delhi-1100039
3. Naurang Singh
Village & PO Mahra (Juna)
Dt. Sonapat-131001 .. Applicants

OA 716/97 with MA 1679/97
S/Shri
1. Rohtas Singh
Village & PO Girawar
Tehsil: Meham, Dt. Rohtak, Haryana
2. Surinder Kumar
Village & PO Bhagwatipur
Dt. Rohtak, Haryana
3. Ashok Kumar
Village & PO Girwar
Dt. Rohtak, Haryana
4. Jaikumar
House No.590/24, DLF Colony
Rohtak, Haryana
5. Rajesh Malik
House No.1525/31, Kamla Nagar
Rohtak-124001
6. Subhash Kumar Bhalla
House No.660/23, DLF Colony
Rohtak .. Applicants
(By Advocate Shri B.G. Raval)

versus

Union of India, through
1. Director General
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi
2. Chairman
Agricultural Scientists Recruitment Board
Krishi Anusandhan Bhavan, Pusa
New Delhi
3. Ms. Anju Thapar
4. Ms. Rakhi Das, both Assistants,
c/o R-1 .. Respondents
(By Advocate Shri V.K. Rao)

ORDER(oral)

Hon'ble Shri S.P. Biswas

These four original applications filed under Section 19 of the Administrative Tribunals Act, 1985 are being disposed of by a common order. The issues involved are the same but contain an important question of law i.e.

"Whether a candidate after having successfully completed written test, interview and other formalities, can legitimately claim appointment to a post just because he/she is in a select panel?"

2. All the applicants in these four OAs are aggrieved by Respondents' action in not allowing them to join duties, though they have fulfilled all the conditions and that their names are already in the select panel. While communicating their decision to scrap the panel and also inability to offer the appointment, the respondents have mentioned that "because of the reasons given in the foregoing para and scrapping of the panel and the notification thereof, there does not arise any question of offering them the appointment on the basis of the said panel".

The applicants in the first two OAs(365 & 336/97) are empanelled for appointment as Section Officers, whereas the applicants in the other two OAs (715 & 716/97) are empanelled for appointment as Assistants.

3. The details of factual matrix and the issues involved in these OAs have been examined in greater details and decided by this very Bench of the Tribunal in OA 98/97 and 99/97 on 11.7.97 and in OA 590/97 on 25.7.97. Based on the decisions arrived at therein, these four applications do not have any legs to stand in the eyes of law.

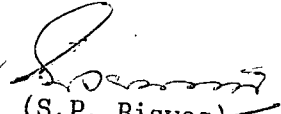
4. That apart, the claims of the applicants herein cannot be sustained in view of the law laid down by the Hon'ble Supreme Court in the case of Shankarsan Dash Vs. UOI {1991(2) SLR 779}. While examining the cases of certain candidates whose names were in the panel having similar claim as the applicants herein, their Lordships held that candidate whose names appears in the merit list on the basis of competitive examination does not acquire any indefeasible right of appointment as government servant even if the vacancy exists. However, the State cannot act in an arbitrary manner. Decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. In the present case the respondents, for reasons recorded in the papers placed before us, have taken a decision at the appropriate level for cancelling the selection held on 27-29.12.96 because of the same having been vitiated.


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5. In view of the discussions aforequoted, we hold that all these four original applications alongwith miscellaneous applications thereof, fail on merits and are accordingly dismissed. However, the competent authority, while making fresh selection, shall consider the candidature of the applicants herein in the select panel and provide the benefit of age relaxation, in case it is so required.

There shall be no order as to costs.


(S.P. Biswas)
Member(A)


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

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