



सत्यमेव जयते

Central Administrative Tribunal

PRINCIPAL BENCH

Shri. Dr. K. V. Vadavalli Vice-Chairman
Member

Pre - delivery ORDER in

T.A. + O. A. No. 589 of 1987

M.A. No 748/98

is sent herewith for consideration.

With regards,
Chairman
 (N. Sahu) 1/6/98
 Member (A)

Recd
1-6-98

Thanks.

I agree and have signed the

order

With regards.

2/6/98

Hon'ble Shri N. Sahu — Member (A)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 589 of 1997 decided on 3.6.1998

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Name of Applicant: Sh. J. P. Singh

By advocate: Sh. B. B. Raval

Versus

Name of Respondents: Union of India and ors.

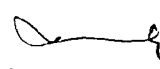
By advocate: Shri. N. S. Mehta

Coram

Hon'ble Mr. N. Sahu, Member (A)

Hon'ble Dr. A. Vedavalli, member (J)

1. To be referred to the Reporter or not? No
2. Whether to be circulated to other Benches of the Tribunal? No


(N. Sahu)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 589 of 1997
Misc. Application No. 748/98

New Delhi, this the 3rd day of June, 1998

Hon'ble Mr. N. Sahu, Member (A)
Hon'ble Dr. A Vedavalli, Member (J)

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Sh. J P Singh, S/O Sh. R D
Singh, Aged about: 47 years,
R/O: Flat No. 4, Medical
Council Compound, Mir Dard Lane,
New Delhi - 110 002.

--APPLICANT.

(By Advocate: Sh B B Raval)

Versus

1. Union of India Through the
Director - General,
Directorate General of
Health Services, Ministry of
Health and Family Welfare,
Nirman Bhawan, New Delhi -
110 001.
2. The Director, Central Health
Education Bureau, Ministry
of Health and Family
Welfare, Kotla Road, New
Delhi - 110 002.
3. Sh. O P Kataria, Technical
Officer (FS), Central Health
Education Bureau, Ministry
of Health and Family
Welfare, Kotla Road, New
Delhi - 110 002.

--RESPONDENTS.

(By Advocate -Sh. V K Mehta)

O R D E R

By Mr. N. Sahu, Member (Admnv) -

The admitted facts are that the applicant is working as a Projectionist with a licence to operate the projectors for film shows. He also performs the job of video coverage. He was granted Honorarium of Rs. 1000/- each for 4 years from 1986-89 for his work for video coverage in various States in India and for extensive travelling under the guidance of video consultants.

(14)

2. The post of Technical Officer (Film Strip) was circulated on 6.9.1996 for which respondent No. 3 had applied along with two others. He claimed to have sufficient experience in production of Film Strips. The post of Technical Officer is a Group 'B' Gazetted post in the pay scale of Rs. 2000-3500. Under the notified recruitment rules, the post is required to be filled up by direct recruitment. When the post becomes vacant because leave or long absence of the incumbent by more than an year, this may be filled up by the appointing authority on transfer on deputation basis from officers of the Central Govt.

3. This OA has virtually become infructuous with regard to relief No. 1. At Annexure - VIII to the counter affidavit, the Directorate General of Health Services cancelled the impugned order dated 17.2.1997 which appointed respondent No. 3 to the post of Technical Officer (Film Strip). This order took effect from 18.9.1997. The first grievance of the applicant, therefore, no longer survives. With regard to the second relief prayed for, the claim of the applicant is to direct the respondents to appoint him on the same post of Technical Officer from the same date from which respondent No. 3 was promoted/ appointed and give consequential benefits.

4. We are unable to accept this contention of the applicant. The operative chart of the qualifications of competing candidates are exhibited in Annexure - III. The required essential qualifications is a B.Sc Degree, a Diploma in Cinematography, two years experience in

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production of film strips, documentary film and Disc recording. The applicant does not hold a B.Sc. Degree. He does not have a Diploma in Cinematography. Respondent No. 3 also does not have the necessary qualifications.

5. In the circumstances while the respondents rightly cancelled the appointment of respondent No. 3, the applicant himself does not have any right to claim for the post as he does not have the essential qualifications. While he was paid Honorarium for the service rendered by him during assignments, that does not give him cause of action for claiming to be Incharge of the post in the place of respondent No. 3. The respondents should, at the earliest possible time, fill the vacancy by initiating direct recruitment as per the qualifications prescribed in recruitment rules. Till such time they can only keep somebody Incharge who has at least the minimum qualifications prescribed for this purpose. We are told that this post has been kept vacant for a long time. We do not know the reasons. If the posts were advertised and filled in accordance with the recruitment rules, there would have been no reason for others to harbor a grievance. With the suggestion to the respondents to take immediate steps to fill-up the post. We close this OA and treat this as **dismissed**.

A. Vedavalli

(Dr. A Vedavalli)
Member (J)

N. Sahu
(N Sahu)
Member (A) 3/6/98

/sunil/