

Central Administrative Tribunal
Principal Bench: New Delhi.

OA No. 826/97

New Delhi, this the 26th day of March, 1998

(20)

Hon'ble Shri T. N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

1. Kulwant Singh s/o Dharam Pal,
r/o 276, Nathan Pur,
PO Nehrugram, Hardwar Road,
Dehradun (Uttar Pradesh).
2. Tanwir Ahmed Qureshi,
s/o late Sh. A.H. Quereshi,
r/o Qtr. No. H-24, IIP Colony,
PO Mokampur, Dehradun.Applicant

(By Advocate: Shri N.M.Popli)

Versus

Director,
Indian Institute of Petroleum,
(Council of Scientific & Industrial Research),
PO I.I.P. Mohkampur,
Dehradun- 248 005.Respondents.

(By Advocate: Shri V.K.Rao)

O R D E R

Hon'ble Shri T.N. Bhat, Member (J) -

The applicants in this OA are aggrieved by non-inclusion of their names in the list of persons called to participate in the written examination which was scheduled to be held on 6.4.1997 for the post of Store & Purchase Assistant in the respondent department, namely, Indian Institute of Petroleum (Council of Scientific & Industrial Research). The names of the applicants have been excluded primarily on the ground that they have not been sponsored by the employment exchange, Dehradun (Uttar Pradesh).

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2. It is not disputed that both the applicants have worked for some time with the respondents, though on daily wages and that too through a Contractor. Having come to know that some vacancies for Store & Purchase Assistants had arisen, both of them applied. It is averred by them that although their names were enroled with the employment exchange, they were not sponsored despite their request. The respondents did not consider the names of the applicants for selection or even for appearing in the test held for the selection and the applicants have, therefore, come to the Tribunal seeking the following reliefs:

- a. this Hon'ble Tribunal may graciously be pleased to direct the respondents to call the application in the process of selection;
- b. pass any other order/orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case;
- c. direct the respondents to consider the case of the respondents for absorption on regular basis and grant all consequential benefits;
- d. direct the respondents to pay the arrears to the applicants to be calculated on the basis of minimum wages or the wages approved by the OM issued by the department from time to time along with dearness allowance and other allowances.

3. Respondents have in their counter taken the plea that since the names of the applicants were not sponsored by the employment exchange they were not called for the test held on 6.4.1997. They have also taken the plea that this Bench of the Tribunal has no jurisdiction in the matter.

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4. We have heard the learned counsel for the parties and have gone through the documents placed on record by them.

5. The question as to whether a person who is not sponsored by the employment exchange can be excluded from consideration on that ground alone or not is no longer res-integra as the apex court has held in Excise Superintendent vs. K.B.N.Visweshwara Rao and Ors., reported in (1996) 6 SCC 216 that restricting the selection only to the candidates sponsored by employment exchange is not proper and that in addition to requisitioning the names from employment exchange, the concerned authorities should also call other names. In view of this law laid down by the Apex Court, the action of the respondents in not calling the applicants to the selection cannot be sustained.

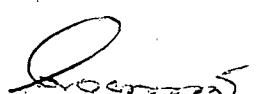
6. In the event, this OA is allowed and the respondents are hereby directed to hold a review selection and call the applicants also to the test and to draw up a fresh panel. In this regard, it needs to be mentioned that although initially there was an interim order issued by the Tribunal that the result of the test shall not be declared, this order was later modified to the extent that any appointment made in pursuance to the selection already held will be subject to the outcome of this OA.

7. We further direct that the process of selection shall be completed within a period of one month from the date of receipt of a copy of this order. The

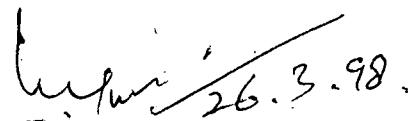
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respondents shall also consider as to how the intervening period from the filing of this OA to the date of receipt of a copy of this order, is to be treated so far as the services rendered by the applicants are concerned.

8. With the above order the OA is disposed of, leaving the parties to bear their own costs.



(S.P. Biswas)
Member (A)



26.3.98

(T.N. Bhat)
Member (J)

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