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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.253/1994

NEW DELHI THE 21ST DAY OF APRIL, 1994.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR. B.N.DHOUNDIYAL, MEMBER(A).

Smt.Gulshan Kumari
Wife of Shri Prabhat Kumar,
R/o 402, Indira Vihar
Near B.B.M. D.T.C Depot
Delhi-110 009. Applicant

NONE FOR THE APPLICANT

Vs.

1. Union of India
through Secretary,
Ministry of Human Resource
Development,
Development of Child & Woman Welfare,
Shastri Bhawan
New Delhi

2. The Chairman
Central Social Welfare Board
Samaj Kalyan Bhawan
12, Tara Crescent Institutional Area
South of I.I.T
New Delhi.

3. Shri H.S.Bhalla
Deputy Director(Estt.)
Central Social Welfare Board
Jeevan Deep
Sansad Marg
New Delhi-110 001 Respondents

BY SENIOR ADVOCATE SHRI P.H.RAMCHANDANI.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The prayer in this OA is that the respondents may be directed to appoint the applicant as a regular Upper Division Clerk (UDC) with effect from 23.4.1993 with all consequential benefits.

2. The material averments in this OA are these. With effect from 17.6.1986, the applicant had been working as a Lower Division Clerk(LDC) in the office of the Central Social Welfare Board under the Ministry of Human Resource and Development as a regular employee. The Chairman, Central Social Welfare Board invited applications for conducting a Limited Departmental Examination for the post of UDC from the working LDCs. The applicant duly applied. She was asked to appear in the written test

which she did and was declared successful in the departmental examination. She qualified for appointment to the post of UDC. On the basis of the said examination, she(the applicant) along with Sh.Joginder Singh and Ms.Padmanawati Gupta were offered appointment as UDC. The letter of appointment inadvertently stated that she had been appointed on ad hoc and temporary basis. In fact, the appointment should have been made on regular basis. Her name appears amongst successful candidates at Sl.No.6. Candidates from Sl.Nos.1 to 5 and 8 had been appointed as regular UDCs. The letter of appointment dated 23.4.1993 had been cancelled on 29.4.1993.

3. To the OA, a list of 11 eligible candidates, who appeared in the test is annexed in the form of Annexure A-4. A perusal of the same indicates that S/Shri D.K. Srivastava,Lal Chand,Joginder Singh are placed at Sl.Nos. 2,4 &5 respectively. We may note that Smt.Padmawati Gupta is placed at Sl.No.8. We may at this stage, refer to the seniority list of LDCs as on 28.7.1992, a true copy of which has been filed as Annexure R-1 to the reply filed on behalf of the respondents. In this list, Smt.Padmawati Gupta is shown senior to the applicant. Needless to say that S/Shri D.K.Srivastava,Lal Chand and Joginder Singh have been shown senior to the applicant in the merit list(Annexure 'A-4').

4. Annexure 'A' to the OA is a copy of the order dated 23.4.1993 passed by the Deputy Director(Estt.) stating therein that S/Sh.Joginer Singh, the applicant and Smt.Padmaavati Gupta, LDCs, are temporarily promoted to officiate to the post of UDC on ad hoc basis with immediate effect. It is made clear in this order that this appointment will not bestow any claim for regular appointment to the post of UDC.

5. Annexure 'A-1' is alleged to be a copy of the order dated 29.4.1993 of the Deputy Director(Estt.) cancelling

the said order dated 23.4.1993. We may at this stage, point out that in the counter-affidavit, it has been asserted that the said document (Annexure 'A-1') has been manipulated by the applicant for the purpose of this case, as, in fact, the order/ cancellation was passed on 23.4.1993 itself, the date on which the letter of appointment was issued. This assertion is corroborated by a perusal of the original record which has been shown to us.

6. We see no force in the averment of the applicant made in this OA that the respondents acted unfairly in giving regular appointment to S/Sh.Joginder Singh, D.K.Srivastava and Smt.Padmaavati after ignoring the claim of the applicant. We have already indicated that the said three persons have better claim than the applicant. We see no reason to disbelieve the version of the respondents that the letter of appointment has been issued in favour of the applicant inadvertently. This is corroborated by the fact that in the said order, the names of Shri Joginder Singh and Smt.Padmaavati Gupta are also shown. These persons, according to the applicant's own case, have been regularly appointed. The mistake, therefore, is apparent.

7. We note that the applicant has not filed any rejoinder-affidavit.

8. There is no force in this OA and the same is dismissed at the admission stage itself. No costs.


(B.N.DHOUNDIYAL)
MEMBER(A)


(S.K.DHAON)
VICE-CHAIRMAN(J)

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