

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

D.A. No. 1499/94

New Delhi this the 29th day of July, 1999.

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

Shri Amit Pathak,  
S/o Late Sh.M.P.Pathak,  
Qtr. No.831 Section IX,  
R.K.Puram,  
New Delhi-110022.

..... Applicant

(By Advocate: Shri D.R.Gupta)

Versus

1. Union of India through  
Secretary, Department of Personnel &  
Training, North Block,  
New Delhi.

2. The Chairman,  
Staff Selection Commission,  
12, C.G.O'S Complex, Lodi Road,  
New Delhi-110003.

3. The Director of Employment Exchange,  
D.G.E&T, (C.G.C.), Min. of Labour, G/10,  
Jai Nagar House,  
New Delhi.

..... Respondents

(By Advocate: Shri Vijay Mehta)

ORDER (Oral)

By Hon'ble Sh.A.V.Haridasan, VC (J)

The applicant (Amit Pathak) appeared for a competitive examination for recruitment to the post of Lower Division Clerks (LDCs for short) pursuant to a Notification issued by the Staff Selection Commission (SSC for short) in the year 1991. His name figured at S.No.47 in the merit list prepared for Group-Y offices. Accordingly, he was nominated alongwith an other person to the C.B.I. office but

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the C.B.I. returned their dossiers on the ground that the vacancies notified earlier had since been filled up by the departmental candidates. Thereafter, the applicant was nominated to the office Coaching-cum-Guidance Centre for SC/ST. The applicant was not satisfied with the environment in that office because he found that there would be limited chances of career advancement. However, he joined the post on 16.6.93 without prejudice to his right to be allocated to some other office. The other candidate who alongwith applicant had been nominated to C.B.I. was thereafter nominated to some other office of the C.B.I. The applicant aggrieved by his nomination to the offer of the Coaching-cum-Guidance Center for SC/ST, made a representation. The said representation was rejected by the impugned order (Annexure-A) in which the respondents have stated that the applicant having been nominated to the same grade with identical pay scale had no legitimate grievance. Aggrieved by this, the applicant has filed this application seeking to have the procedure followed by the SSC for nomination of the qualified candidates to be set aside as violative of Articles 14 & 16(1) of the Constitution as also besides setting aside Annexure A-1 order by which his representation was rejected for a direction to respondents to re-nominate the applicant to other office under Group-V.

2. It is alleged that the applicant is a Commerce Graduate and his services could be better utilised where there are some promotional prospects.

3. The respondents have in their reply contested the claim of the applicant. They have explained the

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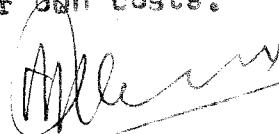
circumstances under which the applicant could not be absorbed in the CBI Office and had to be renominated. They have also stated that renomination was done strictly in accordance with the principles which were followed in the establishment.

4. We have gone through the pleadings and have heard the learned counsel for both the parties.

5. It is unfortunate that the applicant who had obtained a high rating in the competitive examination and placed at S.No.47 was though nominated to an office of the CBI could not be accommodated for the reasons that the vacancies which existed had already been filled up. We do not find any legitimate claim for the applicant for being appointed as LDC in a particular office. No rule or instruction has been brought to our notice to show that the applicant if not appointed in the office of the C.B.I. should be appointed in any other particular office. The applicant has also not made it clear which office he prefers. He only says that he should be posted where his services could be better utilised. Why the services of the applicant cannot be utilised in a manner as good as in any other office has not been explained by the applicant.

6. In view of what has been discussed above, we do not find any reason to interfere with the impugned order. Accordingly, the OA is devoid of merit and is dismissed, leaving the parties to bear their own costs.

K. M. S.  
(S. P. BISWAS)  
MEMBER (A)

  
(A. V. HARIDASAN)  
VICE-CHAIRMAN (J)

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