

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 1818/2000

Tuesday, this the 23rd day of January, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

1. Krishna Prasad  
69/1, CVD Line,  
Delhi Cantt. 110010

2. Malkhan Singh  
C-379, Mahavir Enclave,  
Uttam Nagar, Delhi-18.

..Applicants

(By Advocate Shri G.K. Aggarwal)

VERSUS

1. Union of India through  
Defence Secretary,  
South Block, DHQ PO,  
New Delhi-11.

2. Commandar Headquarters,  
Technical Group EME,  
Delhi Cantt. 110 010.

..Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)

Hon'ble Shri Justice Ashok Agarwal:

In a special recruitment drive conducted by the respondents in 1989, applicant No.1 who belongs to a Scheduled Tribe and applicant No.2 who belongs to a Scheduled Caste, were selected. They had also passed the medical test. They were, however, not appointed. Further special recruitments drive were conducted in 1990, 91 and 93. In the recruitment drive conducted in 1993, one Shri Ravi Tej Jassi who belongs to a Scheduled Caste was similarly selected. Since he too was not appointed, he had instituted OA-1464/99 which was disposed of by an order passed on 10.11.99, directing the respondents to offer him appointment to the post of LDC within a period of two months from the date of the service of the order. Aforesaid Shri Ravi Tej Jassi has accordingly been offered

appointment and has been duly absorbed on 6.7.2000. As far as the present applicants are concerned, learned counsel for the respondents has produced for our perusal a communication dated 6.11.2000 issued by the respondents wherein it has, inter alia, been averred as follows:-

"2. A case was taken up with AG's Br for release of vacancies to accommodate all the candidates selected under SRDs. They have intimated vide their note-2 dated 02 Nov 2000 that "Govt. has not lifted the ban but has approved release of certain number of vacancies. After complying with the requirements of Def/Fin these posts are likely to be released shortly. The Court can be informed that the candidates selected under SRD will be given appointment as per their turn depending upon the number of posts reserved for SC/ST candidates on the revised roster."

2. Learned counsel for the applicant has drawn our attention to Vidyut Yantrik Engineer Abhilekh Karyalaya EME Records No.1645/PC/LE:/79/CA3 dated 4.2.97 which contains the following averments:-

"2 Certain categories of vacancies were released to your unit under SRDs 89, 90, 91 and 93 vide office letters under reference.

3. Approval for appointment accorded by this office in respect of the following individuals selected by the units concerned, under the SRDs is furnished as under:-

Scheduled Caste

c) LDC: Malkhan Singh: HQ TG EME: SRD-89 —  
Applicant No.2

h) LDC: Ravi Tej Jassi: - do -:SRD-93  
Applicant in OA-1464/99

Scheduled Tribe

1) LDC: Krishna Prasad: - do -:SRD-89 —  
Applicant No.1"  
(emphasis added)

*Handwritten signature*

(3)

Aforesaid record thus discloses that seats for applicant No.1 and applicant No.2 have already been released.

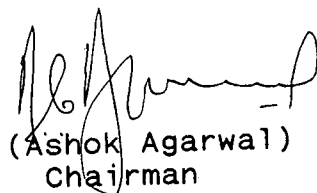
3. In view of the aforesaid facts and circumstances and as has been directed in the case of Shri Ravi Tej Jassi, we direct the respondents to appoint applicants as regular LDCs. This be done expeditiously and within a period of three months from the date of service of the order. Apart from the aforesaid <sup>relief</sup> which has been granted, applicants have also claimed certain other incidental reliefs such as seniority and back-wages. As far as back-wages are concerned, we are not inclined to consider the same in favour of the applicants and hence the said claim is rejected. As far as the claim for seniority is concerned, we keep the same open and direct, it will be open to the applicants to agitate the same separately with the respondents.

4. Present OA is disposed of with the aforesaid directions. No costs.



(S.A.T. Rizvi)  
Member (A)

/sunil/



(Ashok Agarwal)  
Chairman