

(8)

Central Administrative Tribunal
Principal Bench

O.A. No. 2079 of 2000

New Delhi, dated this the 19th October, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Sanjay,
S/o Shri Phool Singh,
R/o 14/161, Sector 8,
Rohini,
Delhi-110085.

.. Applicant

(By Advocate: Dr. M.P. Raju)

Versus

1. Union of India through
the Secretary,
Ministry of Defence, South Block,
New Delhi-110011.
2. Director General,
Directorate General of EME,
(ENE-CIV-3),
Army Headquarters,
DHQ P.O., New Delhi.
3. Shri Suresh Chand,
Proof Reader,
Headquarters, T.G., E.M.E.,
Delhi Cantt.,
New Delhi-110010

.. Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns respondents' letter dated 18.8.2001 (Ann.A-2) rejecting his prayer for appointment as Proof Reader or as Store Keeper in HQ. Technical Group EME, Delhi Cantt.

2. We have heard applicant's counsel Dr. Raju and Respondents' counsel Shri Panikar.

3. Respondents themselves state in their reply to the O.A. that as a consequence of the special

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recruitment drive to fill backlog of SC/ST vacancies, a vacancy of proof reader was released by Army Headquarters vide letter dated 20.12.96 which was required to be filled up by 31st March, 1997 by a reserved category candidate and applicant whose belongs to SC category was selected against that vacancy but he could not be appointed because one Shri Suresh Chand Respondent No.3 who also belongs to reserved category, ^{and} _L was a successful candidate in an earlier selection, and who could not be offered appointment owing to non-release of vacancy at that time had to be accommodated first. Accordingly applicant has been waitlisted against the next available vacancy.

4. During the course of hearing our attention was invited to letter dated 30.11.98 from Hon'ble Defence Minister addressed to Shri K.L. Sharma, M.P. on the aforesaid subject (Ann. XV). In that letter it was stated that there were four deficiencies in the post of proof reader. Hence prima facie, the vacancy against which Shri Suresh Chand was absorbed did not appear to be the only vacancy. When we asked respondents' counsel Shri Panikar for clarification on this point he showed us a copy of the note dated 18.10.2001 (taken on record) which states that six posts of proof reader were authorised in the Headquarters against which two were held since 7.11.97., but due to bifurcation/reorganisation leading to inter-transferr of certain

trades four posts of proof reader were reduced and at present there was no deficiency in the post of proof reader.

5. However, Shri Panikar has shown us a copy of statement of staff position in the Headquarters Technical Group EME as on 31.7.2001(copy taken on record) which shows that there is a deficiency in the post of storekeeper as of that date.

6. The Hon'ble Defence Minister himself in his letter dated 3.11.98 had suggested that applicant apply for the post of Storekeeper for which vacancy was available in 505, Army Base Workshop. We are informed that applicant had applied for the same, and his case was considered, but since that was a vacancy in general category and the age limit for appointment as Storekeeper in general category is 18-25 years, applicant's claim was rejected.

7. We have considered the matter carefully. We are informed that the date of birth of applicant is 15.3.1968. The relevant date for filling up the post of proof reader was 31.3.1997. On that date applicant was under 30 years of age, and would have been entitled for appointment as Storekeeper after granting five years age relaxation admissible for SC/ST category candidates. It must be remembered that applicant [?] stood selected as Proof Reader in the selections held pursuant to the Special Recruitment Drive to fill up reserved vacancies, and could not be

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appointed only because an earlier selectee had to be absorbed first, and meanwhile the posts of proof readers itself was reduced.

8. Having regard to the particular facts and circumstances of this case which will not be treated as a precedent we hold it fair and reasonable to direct respondents to consider applicant's appointment against the post of Storekeeper shown vacant as on 31.7.2001 as per respondents' own statement on record, within two months from the date of receipt of a copy of this order, subject to completion of assessing for appointment formalities. We direct accordingly.

9. The O.A. stands disposed of in terms of Para 8 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

karthik