

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 572/2000

New Delhi, this the 11th day of September, 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sh. N.K.Rawat,
s/o Late Shri B.S.Rawat,
Technician Gr. II (1)
Computer Operator,
Indian Institute of Petroleum
Dehradun, (U.P.) - 248 001.

....Applicant

VS.

UNION OF INDIA

THROUGH :

1. The Director General,
Council of Scientific &
& Industrial Research,
1, Rafi Marg,
New Delhi.
2. The Director,
Indian Institute of Petroleum,
Dehradun.

....Respondents.

ORDER (ORAL)

By Mr. Govindan S. Tampi,

The applicant in this OA was working as Computer Operator on contractual basis with the Indian Institute of Petroleum. On the basis of an advertisement which appeared in 'Dehradun Darpan' on 27.9.96, he applied for the post of Technician Gr.II (Computer Operator) in the same organisation, appeared for the interview on 15.3.97 and was selected, placed at Sr.No.3, and was given appointment on 29.1.98. However, when he was about to complete the probation he was given a notice for termination on 11.1.2000. After considering his representation dated 25.1.2000, his appointment has been set aside on 16.3.2000. This order is under challenge in this OA.

2. Sh.B.S.Mainee, the learned council for the applicant strongly urges that his client deserved to be reinstated as he was properly selected on the basis of a proper selection method and even if there as any mistake or fault committed by the respondents it was for them to make good the omission. The applicant was not at all at fault. His appointment was therefore not liable to be set aside. Respondents have acted in an illegal manner and their order should be quashed *urgus* Sh.Mainee.

3. Respondents counsel urges that applicants appointment had to be set aside as it was irregular, there being only two vacancies in the general category, as per the advertisement, which ~~were~~ filled by Ms. Anjali Sharma and Sh.Rajnish Bhatnagar who were placed at 1 & 2 in the select list. The applicant was at 3 and was wrongly given the appointment which was objected to be the CSIR, the Controlling body of the Indian Institute of Petroleum. The termination order was proper and may not be interfere~~d~~ with, *urgas* the counsel.

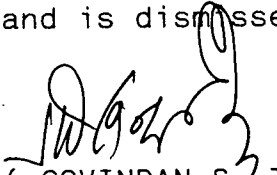
4. We have given careful consideration to the rival contention and perused the relevant papers. Respondents plea that the appointment order had to be set aside, as it was erroneously issued, against a non-existant post, is correct and reasonable. Their action has only been an act of rectifiication ^{of} ~~and~~ a mistake committed. ^{When} they had come to realise it, they had taken the appropriate action, by issuing a notice to the applicant on 11.1.2000 and after considering his representation dated 25.1.2000. The impugned order dated 16.3.2000 cannot in the circumstances be faulted. The

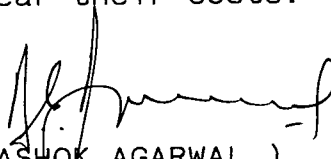
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applicant cannot have any case for being given an appointment against a vacancy which was not existing. No case for our interference is made out in law or facts.

5. The application in the light of the above fails and is dismissed. Parties shall bear their costs.


(GOVINDAN S. TAMPI)
Member (A)


(ASHOK AGARWAL)
Chairman

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