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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.1699/89.

New Delhi, this the 26th day of April, 1994.

SHRI J.P. SHARMA, MEMBER(J).  
SHRI S.R. ADIGE, MEMBER(A).

1. Shri A. Irudayam,  
Shri M. Arockiam,  
aged about 40 years,  
Section Officer, ESIC Headquarters,  
Kotla Road, New Delhi.
2. Shri B.N. Samant,  
S/o Dr. B.N. Sahu,  
aged about 39,  
Section Officer, ESIC Headquarters,  
R/o A-89, Sector-12, NOIDA.
3. Shri Ashok Chandra,  
S/o Shri C. Lal,  
aged about 32 years,  
Section Officer,  
ESIC Headquarters,  
Kotla Road, New Delhi.
4. Shri H.C. Sharma,  
S/o Shri S.N. Rabra,  
aged about 37,  
Dr. Regional Director (Offg.),  
Regional Office, Delhi,  
R/o No.24, ESIC Colony,  
Sector 56, NOIDA.
5. Miss Manju Chakravarti,  
D/o Shri N. Chakravarti,  
D/o Shri N. Chakravarti,  
aged about 36 years,  
Section Officer,  
ESIC Headquarters,  
Kotla Road, New Delhi,  
R/o 28, ESIC Colony,  
Sector 56, NOIDA.
6. Shri C.P. Sharma,  
S/o Shri M.P. Sharma,  
aged about 37 years,  
Section Officer,  
ESIC Headquarters,  
Kotla Road, New Delhi,  
R/o 22, Type-III, ESI Colony,  
Sector-56, NOIDA.
7. Shri Wangial,  
S/o Shri Tampaial,  
aged about 38,  
Section Officer, ESIC Headquarters,  
Kotla Road, New Delhi,  
R/o 25, Type-III, Sector-56, NOIDA.
8. Shri A.K. Mishra,  
S/o Shri H. Mishra,  
aged about 36 years,  
Deputy A.O., ESIC Headquarters,  
Kotla Road, New Delhi,  
R/o C-4F/95, Janak Puri, New Delhi.

9. Shri M. Maithani,  
S/o Shri B.R. Maithani,  
aged about 38,  
Section Officer,  
ESIC Headquarters,  
Kotla Road, New Delhi,  
R/o 206 C, Mayur Vihar,  
Delhi-91.

...Applicants

By advocate : Shri N. Amresh, proxy  
for Shri E.X. Joseph.

Versus

1. The Union Public Service Commission,  
through its Chairman,  
Dholpur House, New Delhi.

2. The Director General,  
Employees' State Insurance Corporation,  
Kotla Road, New Delhi.

...Respondents

By advocates : none for respondent no.1.  
Shri G.R. Nayyar for respondent no.2.

O R D E R (ORAL)

SHRI J.P.SHARMA :

The applicants are employees in the Employees' State Insurance Corporation (ESIC). They became eligible for recruitment to the post of Regional Director grade IV/Deputy Regional Director/Deputy Administrative Office in the Corporation having experience of 5 years' service in a responsible post. The UPSC issued an advertisement on 18-2-89 for recruitment to the post which is filled up by the ESIC Recruitment Rules, 1959. Under the recruitment rules, 50% of the posts are filled up by promotion from the feeder grade and remaining 50% by recruitment by interview. The grievance of the applicants is that for the aforesaid post, the applicants were subjected to the written test by way of screening which is not visualised under the recruitment rules. The UPSC issued an advertisement on 18-2-89 and in pursuance to the aforesaid advertisement, the applicants applied for the post. The UPSC by the memo dated 14-10-89 issued to applicant no.1 with roll no.1312 directed him to appear in a written test on 25-4-1989. It appears that the similar letters have also been issued to the other applicants in the O.A. as well as candidates for the aforesaid posts. The applicants undertook the examination but they could not be selected and they

filed the present application in August, 1989 praying for the grant of the reliefs that, the decision of the UPSC be struck down regarding the selection for the post of Dy. Regional Director/Regional Director Grade IV/Deputy Administrative Officer for which interviews are being held from 22nd to 23rd August, 1989. It has also been prayed that the respondent no.1 to consider the applicants for selection to these posts taking into account the essential and desirable qualifications and thereafter a panel be prepared. It has also been further prayed that the select panel prepared by the UPSC be struck down. Other reliefs claimed by the applicants are covered in the above-noted reliefs.

2. A notice was issued to the respondents and Shri N.S.Mehta filed the reply on behalf of U.P.S.C. while Shri G.R. Nayyar is representing E.S.I.C. though earlier the reply was filed by another counsel.

3. We heard the counsel of the parties at length and perused the records. The counsel for the respondents E.S.I.C. has volunteered that <sup>most of</sup> the applicants have since been promoted to these posts in the 50% promotion quota. This fact is not denied by the learned counsel appearing for the applicants. The counsel for the applicants, however, stated that the applicants inspite of information did not contact him. He also prayed that the matter be adjourned but since this is an old matter and as almost the reliefs the applicants have prayed have been granted to them though in the promotional quota, so the prayer for adjourning the case cannot be accepted. It is also because of the fact that the only prayer of the applicants is for their consideration without a written test for the 50% direct recruitment quota by the UPSC. Since the applicants never worked on that post earlier and <sup>most of</sup> they have since been promoted though in the promotional quota, the reliefs prayed for does not survive.

4. In view of the above facts and circumstances, the application is disposed of as infructuous, leaving the parties to bear their own costs.

*Adige*  
(S.R.ADIGE)  
MEMBER(A)

KALRA

*Jones*  
(J.P.SHARMA)  
MEMBER(J)