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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH: DELHI

O.A.NO. 1823 OF 1989.

DATE OF DECISION: 13-9-1991.

Vijay Kumar and others.

.. Applicants.

Vs.

Union of India and another.

.. Respondents.

Shri A.Kalia for Sri R.L.Sethi, Counsel for the Applicant.

Shri D.S.Mahendru for Sri P.S.Mahendru, Counsel for the Respondents.

CCRAM:

Hon'ble Mr.G.Sreedharan Nair, .. Vice-Chairman.

Hon'ble Mr.S.Gurusankaran, .. Member(A)

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J U D G M E N T

Hon'ble Mr.G.Sreedharan Nair, Vice-Chairman:

The second respondent advertised certain vacancies in Grade-IV, pursuant to which a selection was conducted. The applicants allege that their names were included in the select list and the offer of appointment was issued to them, but were advised to await further instructions. It is stated that certain others whose names were included in the select list filed O.A.No.1059 of 1986 before this Tribunal wherein they secured an order in the following terms:

"In the facts and circumstances of the case, we direct the respondents to consider the position of the applicants in the Merit List and if persons who had figured lower than the applicants in the Select List have already been appointed, the applicants also should be considered for appointment, notwithstanding the cancellation of the panel".

2. The applicants pray for extending to them the benefits as per the said order.

3. In the reply filed by the respondents, it is contended

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that no panel was prepared as alleged and no offer of appointment was made to the applicants.

4. The sole ground on which the relief is claimed by the applicants is based on the judgment of a Division Bench of this Tribunal in O.A.No.1059 of 1986 (Annexure-A1). It is seen from the judgment, that it was contended therein, that there were complaints about the selection pursuant to which an investigation was conducted by the Vigilance Department and it was decided that the unoperated portion of the select list should be scrapped and only those who had joined service were allowed to continue. On a perusal of the judgment relied upon by the applicants, it is clear that the scrapping of the select list was upheld. The only direction that was given was that the applicants in that case should be considered for appointment notwithstanding the scrapping of the select list in case persons who figured lower had been appointed. At the time of hearing, it was submitted by the counsel of respondents that since nobody who was below the applicants in that case, in the select list, was actually appointed, none of those applicants has been appointed. In the circumstances, the question of extension of the benefit of the aforesaid judgment to the present applicants does not arise.

5. It has also to be pointed out that the applicants in O.A.No.1059 of 1986 had approached the Tribunal in the year 1986 by filing that application. Since the present applicants did not care to approach the Tribunal, assuming that their names were in the select list and persons who figured in the list below them were appointed, it is not open to them to claim relief in the year 1989. The application is hit by laches as well.

6. The application is dismissed.

[Signature]
MEMBER (A) 13/9/1991

[Signature]
13.9.1991
VICE-CHAIRMAN.