

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

DA.1844/89

Date of Decision: 7.7.93.

Shri Vijay Nath Singh

Applicant

Versus

Union of India & Ors.

Respondents

Shri P.P. Khurana

Counsel for the respondents

CORAM: The Hon. Mr. I.K. RASGOTRA, Member(A)

The Hon. Mr. C.J. ROY, Member(J)

J U D G E M E N T (Oral)

(delivered by Hon.Member(J) Shri I.K.RASGOTRA)

When the case was called up for final hearing neither the applicant nor his counsel was present. This is an old matter and we proceed to dispose it of on merits, on perusal of the record and with the assistance of the learned counsel for the respondents Shri P.P. Khurana.

2. The applicant has assailed the order of the respondents dated 10.10.1988 and 21.7.1988 (Annexure A-1 and A-2 respectively). According to the order, the selection of the applicant as Junior Engineer was concealed. The brief facts of the case are that while employed as Telephone Operator the applicant appeared in the departmental examination for the post of Junior Engineer. While the applicant claims that he appeared in the departmental examination for the vacancies of 1979, the respondents have brought out in the counter affidavit that the applicant passed the examination against the vacancies of 1981. He was declared successful in the year 1984 for the post of Junior Engineer against 15% quota of vacancies for the year 1981. He was ordered to proceed for Junior Engineer's Training repeatedly in February 1985, November 1985 and May 1986. The applicant however, failed to report for training on one ground or the other. In para 4.8 of the counter affidavit, the respondents have stated that it is incumbent to call such candidates to report for training as deferment of training for indefinite period ~~will~~ jeopardise the interest of the candidates waiting in the pipe line. The Department of Personnel and Training

10

which is the apex body for regulating the service conditions of Central Government employees, after considering the relevant aspects, has decided that "a minimum of nine months period may be allowed for deferment of the training after which the offer of appointment will lapse and cannot be revived except in public interest." In view of these instructions, the candidate was given ample opportunity but still he did not report for the training. Therefore, his name was struck off from the list.

3. In this context they have attached a copy of the Executive instructions dated 25.5.79 which deal with the subject of 'treatment' of candidates who do not respond to the call for training.

4. In the rejoinder filed, the petitioner has not specifically rebutted the averments made by the respondents.

5. In view of the clear averments of the respondents, we see no reason to not to rely on the position explained by the respondents. In the above facts and circumstances, we are not inclined to interfere in the matter,

6. Accordingly, the OA is dismissed as bereft of merit with no order as to costs.

prstg
(C.J. ROY)
MEMBER (J)
7.7.93

Sulabh
(I.K. RASOTRA)
MEMBER (A)
7.7.93

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