

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

Q.A.No.2134 of 1989

New Delhi, this the 2nd June, 1994.

HON'BLE MR. JUSTICE S.K.DHAON, VICE CHAIRMAN

HON'BLE MR. B.N.DHOUNDIYAL, MEMBER(A)

Shri R.K. Sharma,  
S/O Shri late Shri Chander Bhan,  
R/O House No.1175, Pana Paposian  
Narela, Delhi-40.

.. . . . Applicant.

( through Mr P.K.Gupta, Advocate )

vs.

1. Union of India  
through: Cabinet Secretary to the Govt. of India,  
Cabinet Secretariat, Bikaner House,  
New Delhi.-110001.
2. Directorate General of Security  
O/O the Director, Aviation Research Centre,  
East Block - V Level III,  
R.K.Puram, New Delhi. .. . . . Respondents.  
(none)

ORDER ( Oral )

JUSTICE S.K.DHAON( Oral )

The only point raised in this Q.A. is whether the applicant is entitled to be given seniority in the grade of Deputy Field Officer(D.F.O.) with effect from 1.3.1983, the date on which he joined as Assistant Field Officer. According to the applicant himself, he retired as Sergeant in the Air Force. Applications were invited for the recruitment of D.F.O's. He applied alongwith others. A selection committee was constituted. That committee made certain recommendations. The recommendations were not accepted by the competent authority. Thereafter, the applicant was offered the post of A.F.O., which he accepted with effect from 1.3.1993. The only argument in support of this application is that the authority concerned arbitrarily ignored the recommendations

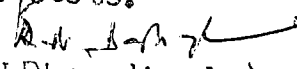
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
of the selection committee and gave illegally an appointment to the applicant as an A.F.O.

2. A counter affidavit has been filed on behalf of the respondents. Therein, the material averments are these. The applicant acquired no right to be appointed as D.F.O. merely because a selection committee had made recommendations to that effect. The Director, Aviation Research Centre, the competent authority, was within his rights to give re-employment to the applicant as A.F.O. That employment was voluntarily accepted by the applicant. Sometime in 1987 a fresh selection took place for recruiting a D.F.O. The applicant appeared before the Selection Committee for the second time without any protest. He made a representation making a grievance that he had not been appointed as D.F.O. in 1983. That representation was rejected by the Cabinet Secretariat and that decision was communicated to the applicant by a letter dated 10.7.1989.

3. We have heard the learned counsel for the applicant. We find that this is not a case where we can possibly give any relief to the applicant. He, with his eyes open, accepted the appointment as A.F.O. in 1983. Thereafter, in 1987, he accepted the appointment as D.F.O. The authority concerned neither acted illegally nor irrationally nor arbitrarily in not giving an appointment of D.F.O. to the applicant, who was admittedly a retired Sergeant in the Air-Force.

4. In view of the above discussions, this application fails and is dismissed but without any order as to costs.

  
( B.N.Dhondiyal )  
Member(A)

  
( S.K.Dhaon )  
Vice-Chairman.

2nd June, 1994  
( S.S )