

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.906 of 1989

Date of Decision: 11.6.93

Vijay Kumar Pathak & another.....Applicants.

Versus

Delhi Administration & othersRespondents.

CORAM:

Hon'ble Mr.S.R.Adige, Member(A)

Hon'ble Mr.J.P.Sharma, MEMBER(J)

For the applicants: Shri Mahesh Srivastava, Counsel.

For the respondents: Shri P.P.Khurana, Counsel.

JUDGMENT

(By Hon'ble Mr.S.R.Adige, Member(A).)

The principal grievance of the applicant Shri Vijay Kumar Pathak and one other is that the respondents called for names for the post of labourers which is a non-technical post from the Employment Exchange Pusa, ^{Am} in which only skilled persons are to be registered, instead of from the employment exchange at Kasturba Gandhi Marg, ^{Am} in which the applicants and other unskilled persons were registered. The applicants have, therefore, prayed that the respondents be restrained from making any appointment out of the list of names recommended by the Employment Exchange Pusa, ^{Am} ^{Delhi}.

2. We have heard Shri Mahesh Srivastava-learned counsel for the applicants and Shri P.P.Khurana-learned counsel for the respondents. We have also perused the averments made in the application as well as in the counter-affidavit, and have also examined the other material on record.

3. From the Identity Card of the applicant Shri Ashok Kumar Pathak, Annexure-D of the O.A., it appears that the applicant was registered in the Employment Exchange at Kasturba Gandhi Marg on 18.2.83. The

registration was subject to regular renewal but it appears that the card was not renewed after February, 1987, although the application was filed on 26.4.89. Thus, the competence of the applicant to file this application before this Tribunal itself is in severe doubt. Similarly in the case of applicant Vijay Kumar Pathak also, the Identity Card shows that he was registered on 30.5.83 but there was nothing to indicate that the registration was renewed beyond May, 1987, and his competence to file this application before this Tribunal ^{a/sd} comes to severe doubt.

4. That apart, from the requisition-form for notification of the vacancies itself, it appears that the posts to be filled were described as Mazdoor (against tradesmen) and the essential qualifications required were:-

- a) Middle
- b) Two years experience as Auto-electrician/Elect/Automobile/Machine shop.

5. No doubt, in the Ministry of Defence's Notification dated 7.1.88 published in the Gazette, the recruitment rules for the post of Labourer (Mazdoor) provide that essential qualifications are 8th Class pass or Armed Forces Personnel/Ex-servicemen in the appropriate trade and Grade at minimum, but the respondents have argued that their requirement was for skilled labour and hence they prescribed two years' experience qualification as essential. The respondents have ^M ~~.....~~ pointed out that the Recruitment Rules, notified by the Ministry of Defence on 7.1.88, only refer to the educational qualification i.e. 8th Class pass and are silent about other qualifications. Where the rules are silent about the other qualifications, the respondents are well within their right to provide for

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an additional experience qualification in advance to educational qualification, particularly having regard to the need for improving productivity and efficiency in the Basix Workshop. It has been pointed out that the vacancies had arisen in the Workshop where motorised transport, tanks and armaments are serviced and better results will definitely be obtained if middle pass persons with some experience are recruited as Skilled Mazdoors, instead of persons with no experience at all. The respondents have pointed out that a similar case had been filed before the Senior Sub-Judge, Delhi, ~~who~~ ⁱⁿ refused to grant any relief to the applicant and even in the appeal the order of the Sub-Judge was upheld.

6. It is not denied that skilled labour is not registered in the Katurba Gandhi Marg Employment Exchange and the Employment Exchange Pusa is the one which registers the candidates under skilled labour in Delhi. Under the circumstances, if the respondents placed a requisition with the Employment Exchange, Pusa to fulfill their requirements against posts of skilled labour, we see no reason to interfere with the same.

7. In the result, this application has no merit and it is accordingly dismissed. No costs.

Adige
(S.R. ADIGE)

MEMBER(A)

Harman
(J.P.S. HARMA)

MEMBER(J)

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