

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench, New Delhi.

D.A.103/89

New Delhi, This the 3rd Day of February 1994.

Hon'ble Shri C.J. Roy, Member(J)

Hon'ble Shri P.T. Thiruvenagadam, Member(A)

Shri Suresh Kumar Kataria  
S/O Shri Jeet Ram  
r/o H.No.42, Village & P.O. Mitraon,  
New Delhi-110043

Librarian Govt Boys Sr. Secondary School,  
Ujwa, New Delhi 110073.

Applicant

By None

Versus

1. Union of India, Through Lt Governor,  
Delhi Administration, Delhi.

2. The Commissioner of Police, Police Head Quarters,  
I.P. Estate, New Delhi.

3. Shri Pushp Raj, appointee to the disputed post  
Through Commissioner of Police, Delhi.

Respondents

By Advocate : Shri O.N. Trisal  
Shri Mahavir Singh, Constable  
Departmental Representative

O R D E R (Oral)

Hon'ble Shri C.J. Roy, Member(J)

1. This OA was filed by the applicant in 1989. This case now stands posted among the 10 cases of the pendency hearing list. The applicant is not present nor his counsel. Since it is an old matter we have heard the respondents and decided to dispose of the case on merits. The learned counsel Shri O.N. Trisal who is on record in the place of Shri Y.S Ghallet has argued for the respondent. We have gone through the records. The applicant is an aspirant for the post of Librarian (temporary) (civil). Respondent No.3 was working with the Delhi Police. He along with the Respondent No.3 appeared for the examination. They were declared successful in the examination and were also called for the interview. But R-3 was selected, the applicant was not selected. Therefore, the applicant questioned the correctness of the selection of the R-3 and prayed that

they may consider the applicant as the ~~second~~ deserving candidate. The recruitment rules have not been laid for the librarian post at the time of the advertisement or even now according to the learned counsel for respondent. However, the administration has fixed certain guidelines ~~and~~ of which the ~~the~~ administration has framed certain conditions of eligibility for the post of Librarian. As per the advertisement the candidate should possess <sup>2)</sup> a degree from a recognised university, degree in Library science from a recognised university with three years experience as Librarian OR Diploma in Library Science from a recognised University/Institute of at least 9 months duration with five years experience as Librarian. It is also mentioned that it is desirable to have a Master Degree in Library Science with 2 years experience as Librarian in Govt/ Public Library and the age is relaxable for SC/ST and Govt servants upto 5 years). The last date of receipt of completed applications was given as 29 July 1988. We see from the records that R-3 after obtaining Diploma from 5.9.83 his experience falls short/couple of months upto the last date of receipt of application as fixed in the advertisement. However, this point we will consider later on..

2. The applicant averred that R-3 was wrongly selected and was not properly qualified and his experience was also obtained on false pretensions. The respondent filed their counter stating that the applicant as well as R-3 had been called for interview and the applicant has scored 20 marks in the interview whereas R-3 has scored 30 out of 50 marks allotted for interview. So the applicant ~~can~~ secured 95 marks in total in comparison to the R-3 who secured 128 marks out of 250 marks. So the selection board recommended the case of R-3 in order of merit. Under the circumstances R-3 was appointed. The applicant filed a rejoinder diluting his stand that R-3 is not at all qualified for the post as the diploma possessed by him

is not from a recognised University/Institute.

3. The applicant seems to be ~~claiming~~ <sup>labouring</sup> under lot of personal suspicion and he could not produce any/records /relevant before the Tribunal. It is not the case of the applicant that the interview board has done anything malafide or arbitrary in awarding marks in the interview nor the examination was <sup>properly</sup> conducted prior to the interview.

4. It is also mentioned <sup>↓</sup> the learned counsel for the by respondent as well as by the Departmental Representative who was present at the time of delivering judgement that R-3 was appointed only on adhoc. Further they made a statement that the post does not exist at present and is now abolished. To this effect they made an endorsement in the file also. Under this circumstance, the relief claimed by the applicant even if sanctioned will become infructuous. In the light of the above, we do not wish to make any comment about the selection of R-3 whose experience falls short of two months as per the prescribed qualifications even though there are no statutory ~~force~~ <sup>instructions</sup>, Since the required qualifications was fixed only by the administration and there are no rules framed under article 309 of the Constitution. Even now there is no rule framed by the administration.

5. Under these circumstances, we see no reason to traverse into this case as the relief claimed by the applicant cannot be granted in view of the fact that the post has already been abolished. The O.A is therefore disposed of accordingly with no costs.

P. J. Doss

(P.T. THIRUVENGADAM)  
Member (A)

W. Roy  
(C.J. ROY)  
Member (J)