

Central Administrative Tribunal
Principal Bench, New Delhi.

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D.A.No.1498/88

Decided on: 15-10-93.

Ajit Singh

...

Applicant

v/s.

Union of India & Obs. ...

Respondents

CORAM: HON'BLE MR. J.P.SHARMA, MEMBER(J).
HON'BLE MR. B.K.SINGH, MEMBER(A).

For the applicant ... Shri B.S.Maines,
Counsel.

For the respondents ... None.

JUDGMENT (ORAL)

(HON'BLE MR. J.P.SHARMA) :

The applicant, Depot Store Clerk Gr.I in the office of Railway Coach Factory, New Delhi took the selection held by the Railway Coach Factory for the post of Assistant Controller of Stores (ACOS) Group 'B' grade Rs.2000-3500. The applicant passed the written test and also appeared in the viva voce test. The grievance of the applicant has been that the result of the said test has not been declared and he apprehended that the respondents may promote those who did not come out successful in the aforesaid selection. He prays for the grant of the relief that the respondents be directed to declare the result of the selection for the post ACOS notified on 23-7-1987 (annexures A-1 to A-3). He also prays that the respondents be directed not to make ad hoc promotions out of failed candidates and order promotion only out of the candidates who have qualified in the said examination.

2. A notice was issued to the respondents. After

filling of this application on 12.8.1988, the applicant was given along with another person ad hoc promotion to the post of ACOS (Group 'B') by the order dated 28-9-88 (Annexure R-1). The respondents in their counter admitted that the applicant along with one another candidate were declared successful in the selection and have since been promoted as ACOS on ad hoc basis. The respondents have also stated that none other person has been appointed to the post of ACOS on ad hoc basis, except the applicant and another candidate M.K.Sharma.

3. We have heard the learned counsel for the applicant. Since the matter is old one and none appears on behalf of the respondents, we proceed to decide the matter on merits. The relief claimed by the applicant is that the result be declared. The respondents in their counter have not cancelled the notification of that selection nor the process of selection and instead, in the counter, admitted that only the applicant and one M.K.Sharma has passed the selection. Thus, there is no hurdle to declare the result of the selection held by the notification dated 23-7-87 issued by the office of O.S.D., Jallandhar City (Annexure A-1).

4. Regarding that no person who has failed the selection be appointed on ad hoc basis, the respondents in their counter have explained the position that only the applicant and another M.K.Sharma have been appointed adding further that the Railway Coach Factory does not have a regular cadre of its own as it is a project. Thus, the relief claimed by the applicant no more survives. As regards the posting of those candidates on ad hoc basis as on that date, none has been appointed and nor at the time of arguments, it is evidenced that any such

person who failed in the selection has since been appointed to the post of ACOS.

5. In view of the above circumstances, the application is partly allowed with the direction to the respondents to declare the result of the selection which was notified on 23-7-87 and on subsequent dates, i.e., 16-10-87 and 19-10-87. They should do so within a period of three months from the date of receipt of a copy of this order. Cost on parties.

(B.K.SINGH)
MEMBER(A)

to name
(J.P.SHARMA) 15/10/87
MEMBER(J)

pkk/181093.

Judgment amended by way
of R.R. 25/96 decided by S/19/96
Amended judgment
is placed on the record.