

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No.554/1987. Date of decision: November 27, 1989.

Smt. Bhanumathi & Ors. Applicants
Vs.
Delhi Administration & Ors Respondents.

Coram:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. B.C. Mathur, Vice-Chairman (A).

For the applicants Shri E.X.Joseph, counsel.

For the respondents Shri M.M.Sudan, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman).

A short question arises in this case. The applicants
were included in the Select List for appointment to the
post of Social Education Worker in the Directorate of
Education, Delhi Administration in the scale of Rs.330-560.
The Select List had been cancelled in January, 1987.
Consequently, they were denied appointment to the post
of Social Education Worker although their names were
duly sponsored by the Employment Exchange. The cancellation
after the appointment of some of the selected candidates
has been done on the basis that the vacancies were not
notified to the Employment Exchange. The applicants have
taken the plea that after their names have been included
in the Select List, the said List could not be cancelled
until all the members of the panel had been appointed.

In support of his contention, learned counsel for the applicants relied on the decision of this Tribunal in the case of ISHWAR SINGH KHATRI & ORS Vs. DELHI ADMINISTRATION (ATR 1987 (1) CAT 502) decided on 6.2.1987. It was held in that case that without exhausting the existing panel the respondents could not resort to fresh selection. Learned counsel for the applicants pointed out that the Delhi Administration had challenged the decision in the case of ISHWAR SINGH KHATRI & ORS. (supra) in the Supreme Court but their Civil Appeal was dismissed by judgment dated 4.8.1989. Consequently, the view taken by the Tribunal was upheld. Similar is the position in the present case. Learned counsel further pointed out that in a recent decision by this very Bench of the Tribunal in the case of Smt. Nirmal Kumari and Shri Malkhan Singh Vs. Delhi Administration & another (OA No.363/87) decided on 30.10.1989 had taken the same view as in the case of ISHWAR SINGH KHATRI & ORS (supra).

We have heard Shri M.M.Sudan, learned counsel for the respondents. We are not satisfied that this case is different in principle than the case of ISHWAR SINGH KHATRI & ORS (supra), or Smt. Nirmal Kumari referred to above. The position of law is the same. When a name of a candidate is included in the Select List, it has to be exhausted first before any fresh appointment can be made. A question may arise as to the number of vacancies and the number of candidates included in the Select List. This

question has already been decided in the case of ISHWAR SINGH KHATRI & ORS, (supra) and we do not think that we can add anything.

In view of the foregoing discussions and reasons we are of the view that this O.A. must be allowed and the cancellation of the Select List containing the names of the applicants has to be set aside. The applicants will be appointed on the posts for which they were selected. Consequently, the Application is allowed but there will be no order as to costs. This order will be implemented within a period of three months from the date a copy of the same is served on the respondents.

Banerji

(B.C. Mathur)
Vice-Chairman (A)
27.11.1989.

Amitav

(Amitav Banerji)
Chairman
27.11.1989.

SKS