

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA NO.1490/90

DATE OF DECISION: 31.7.90

SHRI PAWAN KUMAR & OTHERS

APPLICANTS

VERSUS

UNION OF INDIA

RESPONDENTS.

SHRI R.L. SETHI

ADVOCATE FOR THE APPLICANTS

CORAM:

THE HON'BLE MR. B.S. SEKHON, VICE-CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

JUDGEMENT (ORAL)

Certain infirmities were found in the application when it came up for admission on 20.7.1990. The learned counsel for the applicants was given time to remove these infirmities and application was ordered to be listed on 31.7.1990. This, however, is not done. The applicants S/Shri Pawan Kumar, Vijay Kumar and Nathi Ram are seeking the extension of benefit of this Tribunal's judgement dated 10.5.1989 in OA-1059/86. The applicants in OA-1059/86 had secured various positions in the merit list ranging from 26 to 277. The select list of 300 candidates for the post of C & W Khallasi etc. prepared by the respondents was cancelled on account of investigations made by the Vigilance Department, establishing irregularities in the selection. However, by the time of the cancellation of the panel on 13.2.1986 was ordered, offers of appointment had been issued to <sup>first 80</sup> empanelled candidates on 8.1.1986. Those of the first 80 who had completed the formalities and joined duty upto 30th June, 1986, were allowed to continue in service. The Tribunal, however, observed that it was not clear whether the appointment of 80 persons had been made strictly in accordance with the descending order of

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the select list, and in case these appointments have not been made in accordance with the position of the persons in the merit list, the applicants have a valid reason for grievance. In the present case the merit list numbers of the applicants are 145, 206, 221 and they are all far below the first 80 who were said to be appointed up to the crucial date. The learned counsel for the applicants has not made any specific averment in the application indicating that persons with positions lower in merit list than 145, 206 & 221 have been appointed by the respondents. His only submission/that if persons junior to the applicants are appointed, the applicants should also be given appointment.

We have considered the record and the submissions made by the learned counsel for the applicants. As there is no specific cause of grievance brought before us, it is not possible to admit the application. The application is, accordingly, rejected at the admission stage itself. In case persons junior in the merit list to the applicants were appointed on the crucial date, it would be open to the applicant to file a fresh application under Section 19 of the Central Administrative Tribunals Act.

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*I.K. Rasgotra*  
(I.K. RASGOTRA)  
MEMBER (A) 31-7-90

*B.S. Sekhon*  
(B.S. SEKHON)  
VICE-CHAIRMAN

31-7-90