

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 2653/1990

Date of decision: 27.07.1993

Shri Kamal Nayan

...Petitioner

Versus

Union of India & Another

...Respondents

For the Petitioner

...Shri Ashok Aggarwal, Counsel

For the Respondents

...Mrs. Meera Chhibber, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The grievance, in substance, is that the respondents are not considering the case of the petitioner for appointment as an Assistant Pump Operator on daily rated basis.

2. A counter-affidavit has been filed on behalf of the respondents. Rejoinder-affidavit too has been filed. Counsel for the parties have been heard.

3. It is apparent that the petitioner came to this Tribunal with the full knowledge that the stand taken by the respondents was that he ~~can~~^{could} not be considered for fresh appointment as there was a ban on recruitment. Therefore, in the Original Application he gave 6 instances, apart from the case of Smt. Raj Bete, to demonstratae that the respondents had, in fact, considered ~~her~~^{them} for appointment and gave ~~her~~^{them} appointment, after the alleged ban of 1988.

4. In the reply filed on behalf of the respondents, in paragraph

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4.E, it is pointed out that Smt. Raj Bete was given appointment on compassionate grounds. With respect to the remaining persons, it is shown that all the appointments ~~at all~~ took place between 1981 ^{and} ~~to~~ 1987. That should have put an end to the controversy. However, in the rejoinder-affidavit filed a fresh list has been annexed. A perusal of the list shows that it is ^{prepared} ~~convened~~ for those candidates who have passed the test and not for those who have been given appointments. The said letter, therefore, does not advance the case of the petitioner at all.

12

5. We see no reason as to why the version given by the respondents should be disbelieved. In these circumstances, the petitioner cannot be given any relief.

6. The petition is dismissed but without any order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)
27.07.1993

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
27.07.1993

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