

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.651/90

Date of decision: 14-9-1990

VED RAM

.....APPLICANT

VERSUS

UNION OF INDIA

.....RESPONDENTS.

Shri R.N. Saxena ...counsel for the applicant.

Shri O.N. Moolricounsel for the respondents.

CORAM:

Hon'ble Shri T.S.Oberoi, Judicial Member

Hon'ble Shri I.K.Rasgotra, Administrative Member

O R D E R

Shri Ved Ram, the applicant has filed this application under Section 19 of the Central Administrative Tribunal Act, 1985, aggrieved by the action of the respondents in denying him appointment to the post of Khalasi even though he was selected for a group 'D' post through a regular Selection Board.

2. The brief facts of the case are that the applicant applied for the post of Khalasi in the Engineering Department (RP Cell) New Delhi in response to an advertisement issued by the respondents on 30-1-1987. In the prescribed application form against 'Class' column, he has stated that he belongs to Lodha community. The test including interview for the posts advertised was held on 11-8-1987 and the applicant was placed at serial number 65 in the merit list, prepared by D.R.M. Northern Railway, New Delhi. This was followed by an offer of appointment bearing No.3/E/119/5/RPCell/89/65/ (88558), dated 12-9-1989. On being declared medically fit,

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The applicant has affirmed that in the application form he had only mentioned in the relevant column that he belonged to Lodha Backward community and not to Scheduled Caste/Scheduled Tribe. Further, if the condition precedent for appointment was that the applicant should be from SC/ST community, he should not have been called for test and interview nor given an offer of appointment, nor sent for Medical examination and lastly, nor given the formal appointment letter.

5. On considering the record and after hearing the learned counsel of both the parties, we considered it necessary to direct the respondents to produce the relevant record comprising advertisement issued, application filed by the applicant and other relevant record on 27-7-1990. When the case came up before the Court on 27-8-1990, the learned counsel for the respondents did not produce the record, as they were not made available by the respondents. Thereafter a specific direction was given to the effect that a copy of the order of the Tribunal be sent to the Divisional Railway Manager, Northern Railway, New Delhi for compliance, viz. production of relevant record. On 10-9-1990 when the case came up again, the learned counsel for respondents submitted that relevant record have not been made available to him despite his requests. The learned counsel under the circumstances expressed his inability to produce the relevant record.

6. In the circumstances, we have no alternative but to draw an adverse inference. Accordingly, we

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order and direct that the respondents shall take the applicant on duty in accordance with the appointment letter dated 8th November, 1989 within three weeks from the date of communication of this order. They shall also in addition make payment of token costs set at Rs.1000/-.

The O.A. is disposed of with the above directions.

Subhash
(I.K. RASGOTRA)
MEMBER (A) 14/9/90

Subhash 14/9/90
(T.S. OBEROI)
MEMBER (J)