

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2753/2004

New Delhi, this the 6th day of July, 2005

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

1. Kuldeep S/o Shri Jai Kumar
R/o J-161, Vishnu Garden
Khyala, Delhi - 110 015.
2. Sunil Kumar Thakur
S/o Shri Dev Raj Thakur
R/o H-1, Double Storey,
Court Lane, Raj Niwas,
Delhi - 110 054.

...Applicants

(By Advocate Shri Ms. Meenu Mainee
proxy for Ms. Harvinder Oberoi)

V E R S U S

Govt. of NCT of Delhi through

1. Its Secretary
Health & Family Welfare
Delhi Secretariat, New Delhi.
2. Director, Health Services
GNCT of Delhi, New Delhi.
3. Medical Superintendent
Lok Nayak Hospital
Jawahar Lal Nehru Marg
New Delhi - 110 002.
4. Director (Admn)
Lok Nayak Hospital
Jawahar Lal Nehru Marg
New Delhi - 110 002.

...Respondents

(By Advocate Ms. Sumedha Sharma)

ORDER (ORAL)

Mr. Justice V.S. Aggarwal,

Applicants Shri Kuldeep and Shri Sunil Kumar Thakur, by virtue of the present application, seek quashing of the order of 28.7.2004 cancelling the offer of appointment to the applicants. They seek a direction to allow the applicants to join the post of Mate group 'D' OBC category.

ls Aggarwal

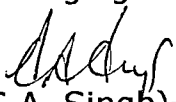
2. The facts are that 95 vacancies including group 'D' posts had been advertised. The applicants belong to OBC category. They also applied for the same. They received a call letter from respondent No.3 asking the applicants to appear for interview. Thereafter a merit list was prepared. On 26.7.2004, they received an offer of appointment. The applicants accepted the offer of appointment. However, vide the impugned order, the offer of appointment has been cancelled. Applicants' grievance is that they have been found fit and the offer of appointment cannot be cancelled without valid reasons. They challenged the order referred to above.

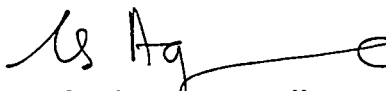
3. The petition is being contested. The respondents' plea is that the applicants had been issued offer of appointment inadvertently against the vacancies reserved for SC/ST. When respondents came to know about the said mistake, offer of appointment had been withdrawn. It is further explained that out of 95 posts, 29 posts were for Mates, 7 posts were reserved for OBC and 3 posts for SC/ST.

4. After hearing the parties' counsel, it is obvious that the offer of appointment had been withdrawn not without valid reasons. We do not dispute that there is no valid reasons. Ordinarily, offer of appointment should not be withdrawn but once there is a mistake that has been realized before the applicants join the posts, and it was found that the posts for which offer of appointment was given were meant for SC/ST, we find nothing illegal about it.

5. It is not a case where another OBC candidate who is below the applicants in the merit list, had been given the appointment, giving cause to the applicants. Therefore, applicants if had a grievance that in fact the posts were not meant for SC/ST but were for OBC candidates, they can challenge the selection on that basis. Resultantly, the applicants in the present petition cannot have a grievance.

6. For these reasons, petition fails and is dismissed subject to findings given above.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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