

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

(A)

O.A. No. 2247 of 1992

New Delhi, dated the 14th JANUARY 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

M.C. Gupta,
S/o Shri Cokat Gupta,
L. D.C.,
National Water Dev. Agency under
Ministry of Water Development,
R/o C-5, Gali No.1, Bhajanpura,
Delhi-110053. ... APPLICANT

(By Advocate: Shri D.S.Jagotra)

VERSUS

Union of India through

1. The Secretary,
Dept. of Personnel & Training,
New Delhi.
2. The Secretary,
Ministry of Water Resources,
New Delhi. ... RESPONDENTS

(By Advocate: Shri M.L.Verma)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' order
dated 24.6.91 (Annexure I) and seeks
absorption as a member of CSCS in Ministry of
Water Resources.

2. Pursuant to a special Recruitment
Examination held by Staff Selection
Commission in Sept. 1987 for appointment to
identified posts to the extent of vacancies
reserved for physically handicapped persons,

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the SSC in their letter dated 18.10.87 (Annexure V) informed the Secretary, Ministry of Water Resources that applicant, who is blind was being nominated against their requirement for one post. Applicant states that he accordingly presented himself at the Water Resources Ministry and by letter dated 9.11.87 (Annexure VI) he was directed to the Civil Surgeon, R.M.L. Hospital for medical exam. which he also completed. Thereupon the W.R. Ministry in their letter dated 4.12.87 (Annexure II to reply) informed the Director, National Water Dev. Authority, a registered society under the W.R. Ministry that applicant had been recommended by SSC for appointment as LDC in NWDA and called upon them to issue him the appointment letter. Accordingly the NWDA in their letter dated 4.12.87 (Annexure III to reply) offered applicant the post of LDC in their organisation, where applicant admittedly reported for duty.

3. Applicant's contention is that he was never informed that he had been nominated to NWDA, and that it was a private society, and had he been told of this position he would never have joined it. He contends that after joining it, passing the typewriting test, and completing his probationary period, when he was looking forward to confirmation as a permanent employee in the Ministry, and upon being denied certain facilities admissible to

Central Govt. servants, when he applied for posting in the Ministry, he was informed that not being a CSCS employee he could not get a berth in the Ministry. (9)

4. We have heard Shri Jagotra for the applicant and Shri Verma for respondents

5. The notings dated 12.6.91 of DPAR (Annexure II) make it clear that the relevant vacancy in the physically handicapped quota reported by W.R. Ministry to SSC was in NWDA, and SSC had nominated applicant against that vacancy. NWDA is not a private society as applicant contends, but a registered society under the Water Resources Ministry. The appointment offer dated 4.12.87 (Annexure III) to applicant was from NWDA, and applicant cannot deny that he joined that organisation pursuant to that offer, ~~thereafter~~ and is working there since. If it is applicant's contention that if he had been told that he was not joining the Ministry, but NWDA he would never have joined, it was open to him to have resigned immediately thereafter, but he did not do so. It appears that he represented on 24.5.90, that is nearly 2½ years after joining NWDA to be taken into the Ministry. Even after final rejection of his prayer for absorption in W.R. Ministry vide impugned letter dated 24.6.91 he took more than one year to file this O.A., which was filed on 24.8.92.

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6. Under the circumstance, apart from not being able to establish any enforceable legal right to compel respondents to absorb him in W.R. Ministry as an L.D.C., the O.A. is barred by limitation.

7. Under the circumstance we are unable to grant the relief prayed for by applicant and the O.A. is dismissed. However, having regard to applicant's unfortunate disability, this will not preclude respondents from extending to applicant such benefits as are admissible to CSCS employees under rules.

No costs.

Lakshmi

(Mrs. LAKSHMI SWAMINATHAN)

Member (J) Vice Chairman (A)

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(S.R. ADIGE)