

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

RA 356/92 in
OA 1163/92

Date of Decision: 1.3.1993

Raj Veer Singh.

... Petitioner.

Versus

Lt. Governor of Delhi
and anr.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

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

For the Petitioner.

... Shri S.S. Vats, Counsel.

For the Respondents.

... Mrs Avnish Ahlawat,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner has sought review of the judgement of the Tribunal rendered by the Bench consisting of Hon'ble Mr. Justice Ram Pal Singh, Vice Chairman(J) and Hon'ble Mr. I.P. Gupta, Member(A) in O.A. No.1163/92 dated the 29th October, 1992. The principal ground urged is that the counsel Shri S. S. Vats had some personal difficulty on the date of hearing and, therefore, he had requested the colleague of his to move the Bench for adjournment of the case. The affidavit of the counsel has been filed to the

effect that such a request was made and the Bench had assured that the matter would not be taken up. Without remembering, the Bench in the absence of the petitioner's counsel heard the learned counsel for the respondents and disposed of the case on merits. In the circumstances, we see no good reason why we should not believe the statement made by the counsel for the petitioner. Hence, we are inclined to review the judgement rendered by the Tribunal.

2. We thereafter heard the learned counsel for both the parties on merits.

3. The petitioner was a candidate for the post of TGT which was duly advertised. He took the examination and on the basis of merit, he was provisionally selected and thereafter, he was asked to appear and produce the testimonials in support of his case. The petitioner's case is that he accordingly placed the testimonials before the authorities. He was given to believe that he would be receiving the order of appointment within a reasonable time. He waited for the same, but he was not offered appointment whereas others were given such an appointment. He, ~~therefore~~, asserts that another advertisement was made for selecting another set of teachers. He says that he did not offer himself as a candidate in view of the assurance given to him that he would be receiving the order of appointment in pursuance of the earlier selection. It is in this background that he lost the opportunity of contesting ~~on~~ ✓

the second occasion for appointment. The petitioner has, therefore, approached the Tribunal for appropriate relief.


4. In the reply filed by the respondents, they have stated that there was some mistake in the computer resulting in wrong information having been furnished in regard to the marks obtained by the petitioner. It is stated that the petitioner obtained only 27 marks in the written test and 10 marks added to the same towards his teaching experience. He was informed that his name has been included in the list of candidates provisionally selected. When the testimonials were scrutinised, it was found that the petitioner did not have any teaching experience and the adding of 10 marks about his having teaching experience was erroneous. The petitioner's case is that he had no teaching experience whatsoever. Hence, the authorities' case is that the adding of 10 marks was on the assumption that the petitioner had teaching experience. As those marks were excluded, the petitioner was not selected. The petitioner's contention, however, is that if there was truth in this behalf, the respondents should have informed that his name has been cancelled. That not being done which should have been the normal conduct of the respondents, it was urged that there is good reason to disbelieve the statement in this behalf.

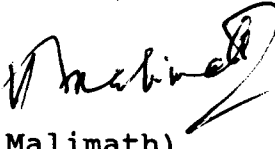
5. There is no particular reason why the authorities should be biased against the petitioner. No allegation of bias has been made in this case.

Hence, we are inclined to accept the contention of the respondents that 10 marks were given only on the assumption that the petitioner had 10 years teaching experience thereby meriting appointment. Though the respondents should have informed the petitioner about this state of affairs, the fact that they have not done so does not mean that the petitioner is entitled to appointment. We, therefore, see no good ground to interfere for the purpose of issuing a direction to give appointment to the petitioner.

6. So far as the petitioner's claim that he was denied the opportunity of taking the second test is concerned, the allegations made by the petitioner are very vague. The petitioner, if he wanted to plead estoppel in this case should have given satisfactory information in support of his plea. All that the petitioner has stated is that he was given assurance that he would be getting the appointment letter and as such he did not apply again for the post of TGT pursuant to the advertisement appearing in the Newspaper of January, 1992. ~~Apert from This, it~~ has been denied in the reply. It is asserted that no such assurance was given to the petitioner, as alleged by the petitioner.

7. For the reasons stated above, we see no merit justifying interference. The petition fails and is accordingly dismissed. No costs.


(I.K. Rasgotra)
Member (A)


(V.S. Malimath)
Chairman