IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

DATE OF DECISION ___19-10-93___

OA No. 2168/93

Sh. Ashok Kumar Sharma _____ **Petitioner**

_____ Advocate for the Petitioner(s)

Sh. Vivekanand _____

Versus

CSIR & Anothers _____ **Respondent**

_____ Advocate for the Respondent(s)

_____

CORAM

The Hon'ble Mr. N.V.Krishnan, Vice Chairman(A)

The Hon'ble Mr. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT(ORAL)

(Delivered by Sh. N.V.Krishnan, V.C.(A))

This applicant had approached us in OA No.1471/92.

He had than stated that he was selected for the post of peon

in the interview held on 29.11.90. We noticed that the

applicant was only called for the interview by the Office

Memo. dated 12.11.90(Annexure A-3). He attended the interview.

He stated that he was informed verbally that he was selected

and that his appointment letter would be sent to him on

completion of formalities. As he did not hear

anything about his selection, he issued a

lawyer's notice on 20.1.92(Annexure A-4) and

as there was no reply thereto, he filed OA 1471/92.

2.   On the issue of notice, the respondents

filed a reply stating that - the appointing

authority did not consider it necessary to

approve the selection committee's recommendations.

3.   We disposed of that O.A. by holding

that there was no evidence to show that the

applicant was selected as claimed by him. But

we found that the applicant was entitled to a

reply as to what has happened to the interview

held, as stated above. Therefore, respondents

were directed to intimate the applicant about

the result of the interview.

4.   In pursuance of our direction in that

O.A., the second respondent has informed the

applicant by O.M. dated Aug., 12, 1993(Annexure A-7)

" that the recruitment for the post of peon for

which he was one of the candidates has been

abandoned as the post was required for absorption of

casual workers, which is mandatory".

5.   Against the Annexure A-7 O.M. The applicant
has filed this OA seeking the following directions:-

   (i) To set aside/quash the OM dated 12.8.93
       (A-7) as the same is not in terms of
       order dated 14-5-93(A-6) in OA No.1471/92
       and is unconstitutional.

   (ii) To direct the Respondents to place before
        this Hon'ble Court the result of the
        applicant as per the recommendation of
        selection committee in interview held
        on 29.11.90 for the post of peon in
        pursuance to interview call letter
        dated 12.11.90(A-2)

   (iii) To direct the respondents to appoint the
         applicant as peon against the post for
         which interview was held on 29.11.90, and
         if the said post has lateron been filled
         arbitrarily as alleged in O.M. dated
         12.8.93, by creating a supernumary post
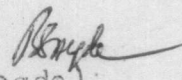   of Group'D' post.

6.   We have heard the learned counsel for the
applicant. He contends that the respondents were
only directed to inform the applicant about the
result of the interview. The respondents have
stated that the selection itself has been abandoned.
They have no right to give such a reply. He,
therefore, wants us to call for the records and
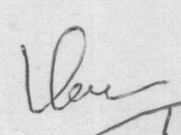examine whether that the applicant was selected
or not.

7.   We notice that respondents have
admitted in Annexure A-7 that the applicant was
also a candidate in the selection. It, is, however,
stated that entire selection was abandoned because

the post of peon for which the selection was being made

was required for being utlised to regularise casual

workers. We cannot find fault with this reply.

It is common knowledge that there are instructions

to regularise casual labourer subject to satisfying

certain conditions. This can be done only if

regular posts are available and they are kept

vacant for this purpose. It appears that the

respondents initiated the selection proceedings by

mistake because such post should have been filled

up by eligible casual laboures. Therefore, the

selection was cancelled.

8.   In the circumstances, we find that no

prima facie case has been made out and hence the

OA is dismissed.

(B.S. Hegde)   (N.V. Krishnan)
Member(J)   Vice Chairman(A)

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