

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.418/93

Date of Decision: 10-9-93.

Shri Hari Om & Ors.

Applicants

Vs.

Lt. Governor of Delhi & Ors.

Respondents

Shri D.R. Gupta, Counsel for Applicants

CORAM

Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman (J)

Hon'ble Mr. B.N. Dhoundiyal, Member (A)

JUDGMENT

(Hon'ble Mr. B.N. Dhoundiyal, Member(A))

This application has been filed by Shri Hari Om and his four other colleagues seeking directions to the respondents to depute them for pre-employment training in Patwar School.

2. The applicants had applied in response to advertisement in Daily Indian Express of 22.6.90 for Patwari training. A written test was conducted on 5.8.90 and thereafter interviews were held by the A.D.M. from 23.10.90 to 25.10.90. A list of selected candidates was displayed in the training school on 26.11.90 and the names of the applicants were included in the select list. However, even though the applicants were eligible and duly selected, they have not been deputed for training. They have alleged that the respondents are considering fresh candidates from the open market or through Employment Exchange and deputing those who have not been selected

2/29

on competitive basis for the training. They have prayed that the respondents be directed to impart in-service/on-the-job training to the applicants as Patwari and appoint them as such on completion of said training.

3. On 19.2.93, an interim order was passed by this Tribunal directing that the suitability of all the applicants should also be considered for appointment as Patwari along with other candidates and that the applicants should also be given relaxation in the age if they were within the age on 31.5.90. The interim order has been extended from time to time.

4. The respondents have stated that the selection of the candidates was only for the purpose of getting training in Patwar School and though they have admitted that 56 posts are vacant, they have contended that mere selection for training does not entitle a candidate for automatic appointment. They have also averred that the applicants would be considered along with other candidates sponsored by the Employment Exchange and those declared surplus by the Census Department.

5. We have gone through the records of the case and have heard the learned counsel for the applicants; the learned counsel for the respondents remained absent during the last three dates. In the rejoinder-affidavit, the applicants have averred that subsequently on the basis of another interview the applicants' claim for appointment as Patwari trainee was overlooked

and the persons who did not find place in the merit list of 30 persons on the basis of their performance in the written test and interview, were selected on extraneous conditions. They have also given the names of 6 persons who competed in the written test and the interview with the applicants and whose names were not included in the select list but who have not been deputed for the said training. The respondents have not clarified as to what happened to the select list of 30 candidates and why it was necessary for them to hold further interviews from 15th to 23rd March 1993. A perusal of the advertisement (Annexure A-1) has shown that the applications were invited only for the Patwar Training course and it was clearly indicated that the training does not ensure any guarantee of employment. It is also clear from the counter that apart from the candidates in this select list, those declared surplus by the Census Department had also to be considered. As these applicants were already registered with the Employment Exchange in terms of the conditions laid down in the advertisement, it is difficult to accept the contention of the respondents that they had to consider the other candidates sponsored by the Employment Exchange. In any case the respondents have not denied the validity of the select list and have only stated that the applicants are being considered for undergoing training in Patwar Training

School.

6. In the facts and circumstances of the case, we hold that the applicants have a right to be considered for the Patwari training in preference to any fresh candidates sponsored by the Employment Exchange or recruited through open market. To this extent the application succeeds and is therefore disposed of with the following directions:-

(i) The respondents are restrained from seeking fresh requisition from the Employment Exchange or recruitment through open market of the candidates for Patwari training till such time as the candidates included in the select list have been deputed for training.

(ii) It is clarified that the mere fact that the applicants undergo this training will not ensure any guarantee of employment which will depend on the number of vacancies available and successful completion of the training etc.

There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 10/9/93 -
Member (A)

S.K. Dhaon
(S.K. Dhaon)
Vice Chairman (J)

vpc
070993