

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 8th day of December 1999.

Original Application no. 1268 of 1997.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Mr. M.P. Singh, Administrative Member

Heera Lal Yadav, S/o Shri Ram Bahadur Yadav,
Chheetapur, P.O. Kalyanpur,
Distt. Allahabad.

... Applicant.

C/A Shri H.S. Srivastava

Versus

1. Union of India through Nirdeshak (Audit)
Defence Services, New Delhi.
2. Deputy Director of Audit, Defence Services,
Central Command, Allahabad.
3. Varishta Lekha Pariksha Adhikari,
Defence Services, Central Command,
Allahabad.

... Respondents.

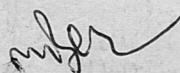
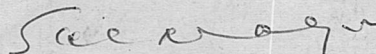
C/R Shri P. Mathur.

...2/-

ORDERHon'ble Mr. S.K.I. Naqvi, Member-J.

On accurance of vacancies in the respondents department, names were called from Employment Exchange ^{after} and ~~for~~ due process of the names, so sent by the Employment Exchange, the candidature of the applicant Shri Heera Lal Yadav^{has} found fit for being appointed to the post of peon and accordingly letter was issued to complete the formalities for being so appointed. But finally he was not appointed as such without any reason been indicated to him. Against this act of the respondents for not providing the proper job to the applicant he has come up before this Tribunal under section 19 of the Administrative Tribunals Act, 1985.

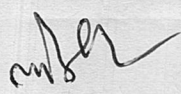
2. As per respondents case the names were called from Employment Exchange to fill the post of peon for which Employment Exchange sent a list of 19 candidates. Subsequent to it another list of 3 candidates was received in the respondents office for the candidates to be appointed as peon ^{in which} and the name of the applicant is mentioned at sl no. 3. Taking this documents to be genuine one, The process for appointment of applicant was taken up and the letter of proposal of appointment, copy of which has been filed by the applicant, was issued. Subsequent to this process a letter was received from the Employment Exchange in which it has been indicated that no such suppl. list was sent by them and the name of applicant Sri H.L. Yadav

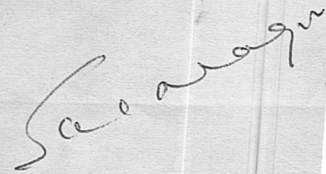



was never sponsored by the Employment Exchange, and therefore, the applicant could not be appointed to the post, in support of this contention, learned counsel for the applicant pointed out the details in this regard which have been covered in letter dated 12.08.97 which is annexure CA 5 to the C.A. This letter also supports the plea of the respondents that the vacancies to be filled ^{here} ~~was~~ for the general category and the applicant belongs to O.B.C. and, therefore, he could not be considered for this post.

3. Keeping in view and facts and circumstances of the case as ^{mentioned in} ~~prayed~~ by the pleadings from either sides and argument placed by Shri H.S. Srivastava on behalf of the applicant and Shri P. Mathur on behalf of the respondents, we find that the ^{mode} ~~process~~ through which the applicant claims to be a duly sponsored candidate by Employment Exchange is very much under ^{Shadow} ~~shadow~~ of doubts and we do not find it proper to issue directions for appointment of such persons in the department of defence services. With this observations we dismiss the O.A.

4. No order as to costs.


Member-A


Member-J

/pc/