

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 30th day of May, 2001.

Coram: Hon'ble Mr. S. Dayal, AM
Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 630 OF 1997

Mahendra Pratap,
s/o late Sri Dhani Ram Kureel,
r/o 24/18 Shyam Nagar,
Defence Colony, Kanpur.

..... Applicant
(By Advocate Sri Bashistha Tewari)

Versus

1. Union of India, through the Secretary, Ministry of Defence, Government of India at New Delhi.
2. The Director Quality Assurance (S), D.Q.A. (Stores), Department of Defence, Productions Supplies, Ministry of Defence, Government of India, D.H.Q. P.O. New Delhi- 110011.
3. The Controller, Controllerate of Quality Assurance (Materials), Ministry of Defence (D.G.Q.A.), Government of India, Post Box No. 229, Kanpur-208004.

..... Respondents
(By Advocate: Sri Amit Sthalekar)

O_R_D_E_R (ORAL)

(Hon'ble Mr. S. Dayal, AM)

This application has been filed for setting aside the examination held from 18.6.97 onwards

for the post of Senior Store Keeper. A direction is sought for promotion of the applicant to the post of Senior Store Keeper and set aside the order passed on his representation dated 22.8.95.

2. The applicant has claimed that he was appointed as Store Keeper against the Scheduled Caste Quota on 3.8.89. It is claimed that there are two posts of Senior Store Keeper ^{vacant} under the Controller, C.Q.A. (M) Ministry of Defence, Kanpur. The applicant made a number of representations for promotion to the post of Senior Store Keeper, which was reserved for Scheduled Castes. The parity has been sought with reference to the case of one Sri Tulsi Das, who, as per the applicant, was junior to him but was promoted as Senior Store Keeper. The applicant has relied on the judgment of the Principal Bench in OA No.767 of 1998 decided on 18.9.98, in which the relaxation granted to Sri Tulsi Das, whom the applicant claimed to be junior, has been upheld and the promotion of Sri Tulsi Das in Directorate General of Quality Assurance (S) Ministry of Defence has been upheld.

3. The case of the applicant is different from the one, which was decided by the Principal Bench in the case of Tulsi Das Vs. Union of India and others. The applicant has not yet been considered for promotion on account of his not fulfilling the period of 8 years of service on the date of the examination conducted on 18.6.97.

3.

4. It appears that the respondents now seek permission to cancel the selection held on 18.6.97. We find that the relief claimed by the applicant coincides with the request made by the respondents in the Misc. Application filed today.

5. The learned counsel for the applicant expresses apprehension that the respondents would again hold selection by direct recruitment. However, the respondents will have to proceed in accordance with the Recruitment Rules after cancellation of the selection and in case they find that eligible officials are available for promotion, they shall have to make appointment on the basis of Recruitment Rules. With these remarks, the permission is allowed to the respondents to cancel the selection held for the post of Senior Store Keeper on 18.6.97. The O.A. stands disposed of. No order as to costs.

Rafiq Uddin

(RAFIQ UDDIN)

JUDICIAL MEMBER

S. Dayal

(S. DAYAL)

MEMBER (A)

Nath/