

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD. BENCH ALLAHABAD.

Original Application No.1100 of 1997.

Allahabad this the 25th day of July 2003.

Hon'ble Mr.Justice R.R.K Trivedi, V.C.  
Hon'ble Mr.D.R. Tewari, A.M.

Thakur Das (S.C.)  
Son of Sri Nattu Lal,  
R/o Village Kalsatuyiya,  
P.O. Nawabganj,  
District Bareilly.

.....Applicant.

(By Advocates: Sri A Rajendra | Sri R.C. Pathak)

Versus.

1. The Union of India  
through the Defence Secretary  
Ministry of Defence, Govt. of India,  
South Block, New Delhi.

2. The Chief Engineer,  
Bareilly Zone,  
Sarvatra Bhawan,  
Station Road,  
Bareilly Cantt, Bareilly.

3. The Commander Works Engineer,  
Station Road, Bareilly Cantt.

4. The Garrison Engineer No.1  
Military Engineering Service,  
Bareilly Cantt, Bareilly.

5. Sri Bhagwat Thakur (O.B.C)  
Grass Mandi, Colony,  
Nakatia, Bareilly.

.....Respondents.

(By Advocate : Sri P Mathur)

O\_R\_D\_E\_R

By this O.A filed under section 19 of  
Administrative Tribunals Act 1985, the applicant  
has challenged the letter dated 17.09.1997, by which  
the appointment of the applicant as Chowkidar GI,  
by order dated 12.04.1997 (Annexure 6), has been  
cancelled.



2. The facts of the case are that in pursuance of the advertisement issued for appointment as Chowkidar GI, applicant's name was forwarded to respondent by Employment Exchange, Bareilly. Selection took place and panel was declared on 19.09.1997 (Annexure 6). Applicant's name is at Sl. No.15. In pursuance of the aforesaid selection, the appointment order dated 12.04.1997 (Annexure 7) was issued in favour of the applicant, requiring him to report to G.E.-1 Bareilly on 15.04.1997. The claim of the applicant is that in pursuance of the aforesaid offer of appointment he joined on 15.04.1997 and continued to work upto 17.09.1997 when the impugned order was passed. It is also submitted that thereafter on 17.09.1997 respondent passed another offer of appointment to respondent No.5 Bhagwat Thakur who is ex-serviceman. It is submitted that the applicant was selected and his appointment has been illegally cancelled. Before coming to this Tribunal, applicant filed a detailed representation, copy of which has been filed as Annexure 9. The representation <sup>has been</sup> ~~is~~ addressed to the Commander Works Engineer/respondent No.3. Respondent No.5, on the other hand, has sent an application by post to this Trinunal in which it has been stated that his name was forwarded by <sup>i.e.</sup> ~~Zila Sainik Kalyan Avam Punarvas Kendra, Bareilly~~ for employment <sup>for</sup> civil post against ex-serviceman

quota. He has . . . mentioned that he has not been given appointment, yet by respondents. This position is not disputed before us that respondent No.5 has not been given appointment and the post is still lying vacant.

3. In the circumstances of the case, in our opinion ends of justice will be better served if respondent No.3 is required to pass the detailed and reasoned order on the representation of the applicant (Annexure 9). It has been stated that <sup>the</sup> ~~respondent No.5~~ <sup>not</sup> has produced his caste certificate showing himself as Scheduled Caste, whereas there is no dispute that applicant is a Scheduled Caste candidate and he was selected in the selection. If respondent No.5 is not entitled for appointment then applicant can be <sup>as a</sup> natural choice who is selected candidate.

4. For the reasons stated above, the O.A. is disposed of finally with the direction to the respondent No.3 to consider and decide the representation of the applicant by a reasoned order in the light of observation made above within a period of 3 months from the date, a copy of this order is filed.

No order as to costs.

*D. L. S.*  
Member-A.

*L. S.*  
Vice-chairman.