

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 1059 of 1998.

Allahabad this the 06th day of May 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Dinesh Kumar Sharma
son of Radhe Shyam Sharma
R/o 45/2-B, Nagla Ajita Near
Ram Singh Bagicha, Jagdishpura,
Agra.

.....Applicant.

(By Advocate : Sri R.S. Gupta)

Versus.

1. Union of India
through Secretary, Ministry
of Defence, Raksha Bhawan
New Delhi.
2. Commandant,
509, Army Base Workshop,
Agra.
3. Satidev Singh
Son of Sri Pritam Singh
R/o Village & Post Dhanali,
Agra.
4. Ratan Singh
son of Sri Deep Chand
R/o Village & Post Dhanali, Agra.
5. Triputi Singh
son of Padam Singh, Mainajut, Agra.
6. Ramesh Chand
son of Kalua Ram
R/o Tapra Bhamrauli,
Ahir, Agra.
7. Mohan Singh
son of Jamuna Das
R/o Mankada, Agra.
8. Vikram Singh
son of Nahar Singh, House No. 979,
Dashrath Kunj, Arjun Nagar, Agra.
9. Rajveer son of Siya Ram
R/o Jarua, Katra, Agra.
10. Pramod Kumar
son of Khyali Ram
R/o Bundu Katra, Agra.
11. Mahendra Pal
son of Sri Pooran Chand
Village Budehra, P.O. Shyam, Agra.

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12. Pawan Kumar
son of Sri Ram Singh,
R/o Village, Post Malpura, Agra.
13. Om Prakash son of Prabhu Dayal Meena through
Murari Lal Meena, H.N. 29/4, Idgat Bus Stand
M.E.S. Colony, Agra.
14. Hariom son of Laxmi Chand
Village- Berichahar,
Agra.
15. Vikram Singh Chahar son of Rameshwar Singh
Chahar, Ghani Jatu Murkia, Agra.
16. Udai Raj Singh
son of Jagvir Singh
R/o Ghari Deveni, Agra.
17. Ram Pal Singh
son of Buddhu Ram
R/o Village- Tapra, Post Bhamsauli,
Agra.

.....Respondents.

(By Advocate : Sri A Rajendra/Sri A Sthalekar)

O_R_D_E_R_

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri R.S. Gupta learned counsel for the applicant and Sri A Sthalekar learned counsel for the respondents. We have also perused the pleadings and documents annexed thereto.

2. It appears that 18 vacancies for the post of Industrial Labours were sought to be filled by the respondents through employment exchange vide notification dated 12th June 1998 annexed as SCA-1 to the Supplementary counter affidavit filed by Capt Puran Singh challenge herein is to the validity of the method of recruitment and the relief claimed is that the method of recruitment adopted by respondents be quashed and they may be directed to consider the candidature of the applicant for recruitment to the post of Industrial Labour.

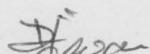
3. It is not disputed that Hon'ble Supreme Court in Excise Superintendent Malkapatnam, Krishna District A.P. Vs. K.B.N. Viseshwara Rao and others, (1996) 6 Supreme Court Cases 216 has held that it should be mandatory

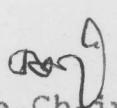
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for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning departments for selection strictly according to seniority and in addition to that the vacancy should also be notified announced by other means. Department, it appears issued the office memo dated 18.05.1995 clarifying that the vacancies should be notified in the employment news and the candidates who apply directly should also be considered for appointment alongwith candidates sponsored by the employment exchange. In the instant case, vacancies were not given wide circulation. But during the pendency of the O.A. the recruitments have been made from amongst the candidates sponsored by the employment exchange. However, one post has still been kept vacant pursuant to the order passed by the Tribunal. Since candidates have already been appointed, it would not be apt and proper for us to make any observation regarding legality or otherwise of the appointment made on the basis of name sponsored by the employment exchange.

4. However, having regard to the fact that one post is lying vacant pursuant to the order of the Tribunal, we direct the respondents to consider the applicant, if he is otherwise eligible or qualified and appoint him if found suitable. The order shall be implemented within 3 months.

5. The O.A. is accordingly disposed of with no order as to costs.


Member-A.


Vice-Chairman.

Manish/-