

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 03rd day of April, 2003.

Original Application No. 1538 of 2001.

C O R A M :- Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Hon'ble Mrs. Meera Chhibber, Member- J.

Uma Charan S/o Late Sri Shiv Charan
R/o Vill. Mahjudawa, Post- Deoli,
Distt. Allahabad.

.....Applicant

Counsel for the applicant :- Sri B.K. Pandey

V E R S U S

1. Union of India through the Director General,
Ordnance Branch, Army Head Quarter, New Delhi.
2. The Officer-in-Charge, A.O.C, Records,
Secunderabad.
3. Commandant, C.O.D, Chheoki, Allahabad.
4. Administrative Officer, C.O.D, Chheoki, Allahabad.

.....Respondents

Counsel for the respondents :- Sri N.C. Tripathi

O_R_D_E_R (Oral)

By Hon'ble Mrs. Meera Chhibber, Member- J.

By this O.A applicant has sought a direction to the respondents to appoint the applicant as Store Keeper forthwith against the reserved quota of S.C candidate or to pass such other and further order which this Tribunal deem fit and proper in the circumstances of the case.

2. It is submitted by the applicant that by notification dated 23.08.1984 applications were called for formation of panel of seven candidates for the post of Store Keeper in C.O.D, Chheoki, Allahabad, out of which six were unreserved and one was reserved for SC (Annexure A-1). After the name



of the applicant was sponsored by the Employment Exchange, he appeared in selection for the said post alongwith other candidates and a final panel was prepared on 29.09.1984 showing name of seven selected candidates, ~~and~~ ^{also} Applicant's name was shown at Sl. No.7 against SC quota (Annexure A- 4). Thereafter two candidates namely Sri Rama Shankar Yadav and Sri R.C. Shukla were appointed in the year 1988 while rest were kept on waiting. Three more candidates were/appointed vide order dated 09.10.1993 namely Sri Raj Narain, Sri Gulab Chandra and Sri Deata Din (Annexure A- 6). Since the applicant and the person at Sl. No. 1 were not given appointment, the said person at Sl. No. 1 Sri Aley Yaseen filed O.A No. 1334/1993 seeking the same relief as has been sought by the applicant herein. The Tribunal, after hearing both sides, disposed of the said O.A on 15.12.2000 by directing the respondents to consider the case of the applicant who had qualified in the selection and empanelled for the post of Store Keeper and give him appointment to the post of Store Keeper with effect from the date three candidates sponsored by the Employment Exchange were appointed (Annexure A-7 Pg.21). It is further submitted by the applicant's counsel herein that in pursuance to the direction issued by the Tribunal, ^{at} the said person ~~and~~ serial No.1, Shri Aley Yashin was given appointment as stored keeper vide order dated 23.10.2001 (Annexure-8). Therefore, he has submitted that there is no justification to deny the appointment to the applicant as well, ^{because} as all other persons who were selected and empanelled have already been appointed to the post of Store Keeper.

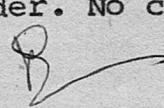
3. Respondents in their counter have admitted that the ~~respondents~~ selection order was issued to the petitioner prior to imposing the ban on the recruitment but thereafter due to ban, the selected candidates could not be given appointment. They have also submitted that the department



has not denied the selection of the petitioner and he would be given appointment on lifting of Ban.

4. We have heard both the counsel and have perused the pleadings as well.

5. Admittedly, Shri Aley Yasin had also been selected for the post of Store Keeper along with applicant but he had also not been given appointment due to ban as alleged by the respondents in this case. However, when the Tribunal gave them a direction to give appointment to Shri Aley Yasin, the department has indeed given appointment to the said person. Counsel for the respondents was not in position to say whether the ban is still in existence or not but the very fact that respondents have already been given appointment to Shri Aley Yasin on 23.10.2001 shows respondents could give appointment. Therefore, the situation today is that out of seven persons who were selected for the post of store keeper, barring applicant, all other persons have already been appointed on the post of Store Keeper. It is pertinent to mention here that applicant was selected against S.C. quota. Therefore, his vacancy could not have been consumed by the general candidate and since all the other candidates have been given appointment and the respondents have already complied with the direction given by this Tribunal in the O.A. filed by Shri Aley Yasin, the applicant herein cannot be discriminated. As such this O.A. is also allowed. The respondents are directed to give the appointment to the applicant on the post of Store Keeper with effect from the same date when others have been given appointment. He would, however, be entitled to the proforma fixation of pay from the retrospective date. This exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order. No costs.


Member (J)


Member (A)

/Anand/