

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 09<sup>th</sup> day of NOVEMBER 2005.

Original Application No. 1273 of 2001

Hon'ble Mr. K.B.S. Rajan, Member (J)  
Hon'ble Mr. A.K. Singh, Member (A)

Ashok Kumar Yadav, S/o Late R.K. Yadav,  
R/o 136 Kachchi Sarak, Phulwariya Road,  
Daraganj,  
ALLAHABAD.

...Applicant

By Adv: Sri C. Prakash

V E R S U S

1. Union of India through the Secretary,  
Ministry of Human Resource Development,  
Govt. of India,  
NEW DELHI.
2. Deputy Superintending Archaeologist of Museums  
and Archaeological Survey of India,  
Museum Branch, Eastern Region, Archeological,  
Museum, Sarnath,  
VARANASI.

...Respondents

By Adv: Sri S. Singh

O R D E R

By K.B.S. Rajan, JM

The applicant who was engaged as casual night guard in the year 1984 was further engaged till 1987. He moved OA 773 of 1987 against his disengagement. This Tribunal passed an order directing the respondents to consider re-appointment in preference to others, vide order dated 13.08.1992. The respondents called the applicant to appear before them in March 1993 to consider his case for appointment to the post of Museum Attendant

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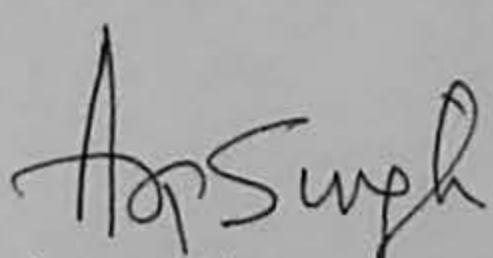
but he was not recommended for appointment. It was after six years there from that in November 1999 the applicant sent a representation. In 2000, according to the applicant he could lay hand on a document which was the Minutes of the Committee Meeting dated 18.03.1993. As per the same, as the applicant did not possess the requisite educational qualification and was over-aged and further that his conduct, quality of work during casual employment was not satisfactory the committee did not recommend his appointment, more so in view of his arrogant behavior during interview. It is this minutes of the meeting which is under challenge.

2. At the time of hearing as the applicant was not represented either through his counsel or had he himself appeared, the case was heard when counsel for the respondents was present, invoking the provisions of Rule 15(1) of the CAT(P) Rules, 1987. The counsel for the respondents has taken us through the documents and pleading and submitted that the application is liable to be dismissed on the ground of limitation itself. He has further stated that the applicant's conduct was none too good and the Committee had rightly rejected the candidature of the applicant. It is also submitted that the decision of the Committee was after it had taken into consideration, the order of this Tribunal passed on 13.08.1992.

*[Signature]*

3. We have considered the entire case. We unhesitatingly agree with the contention of the respondents that the case is pathetically time barred. Even on merit, in fact, the applicant has no case, as is discussed below. True, order dated 13.08.1992 provided for preferential treatment to the applicant by virtue of his earlier engagement but it only implied that other things being equal, preference may be given to the applicant. When the applicant did not possess the qualification and was also over-aged, the order of the Tribunal cannot in any way assist the applicant in securing the appointment. Moreover, discipline is the spine of administration in any department. As such, if the conduct of the applicant was found to be undesirable, there is no question of his selection for appointment in the respondents' organization.

4. In view of the above, the OA being devoid of merit, and is also hopelessly time barred, the same is dismissed. No cost.

  
Member (A)

  
Member (J)

/pc/