

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No. 24 of 2004
IN
Original Application 1211 of 98

Dated: This the 15th day of July, 2004

HON'BLE MR. JUSTICE S.R. SINGH, V.C.
HON'BLE MR. D.R. TIWARI, A.M.

Shatru Jeet.

.....respondent no.4/applicant.

By Advocate: Shri J.P. Rai

VERSUS

Anjani Kumar

....Applicant.

By Advocate: S/shri S.C. Tripathi, K.P. Singh

O R D E R

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

The O.A. was allowed, inter-alia, on the ground that vacancy on the post in question was not advertised and the selection was made on the basis of names sponsored by the Employment Exchange. We have relied upon the Supreme Court decision holding that in addition to the names being sent ² by the Employment Exchange, vacancy should also be advertised in Newspaper. Admittedly, the vacancy was not advertised in the Newspaper. The submission made by the learned counsel is that the department issued the circular after the selection had already taken place. Be that as it may, the declaration of law by the Hon'ble Supreme Court holds good from the very inception of commencement of process of selection to the post in question. It is not possible for us now to hold that selection already made prior to the issuance of the circular by the department would not be affected due to non-publication of the vacancy in the Newspaper. We find no substance in the review application, which is

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dismissed accordingly, subject to the above observation. It is however, observed that it would be open to the department to allow the review applicant to continue till the regular selection is made after proper advertisement.

D. J. D.

Member (A)

R. J.

Vice Chairman

/M.M./