

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 70 of 2004

Allahabad this the 27th day of May, 2004

Hon'ble Mr. Justice S.R. Singh, Vice Chairman
Hon'ble Mr. S.K. Hajra, Member (A)

1. Manoj Kumar Yadav Son of Shri Prakash Yadav, resident of 71/84, Roshan Bagh, Allahabad.
2. Raj Karan Son of Shri Arjun Singh, Resident of 97A/115 Gayasuddinpur, Post Begam Sarai, Allahabad.
3. Sushil Chandra Yadav, Son of Shri Dwarika Prasad Yadav, resident of 47 Chintamani Road, George Town, Allahabad.
4. Kamlesh Kumar Singh, Son of Hari Shanker Singh, Resident of 98H/1, Chakiya, Allahabad.
5. Dinesh Kumar Singh, Son of Shri Hari Shanker Singh, R/o Village and Post Sirsa, Allahabad.
6. Nikhlesh Kumar Son of Shri Raj Kumar, resident of 172/27A, Rajrooppur, Allahabad.

Applicants

By Advocates Shri Vikash Budhwar
Shri S.K. Mishra

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General, Ordnance Services, South Block, New Delhi.
3. Central Ordnance Depot, Cheoki through its Commandant.
4. Commandant, Central Ordnance Depot, Cheoki, Allahabad.

Allahabad

5. Army Ordnance Core, Record Office, Sikandrabad.

Respondents

By Advocate Shri Rajeev Sharma

O R D E R (Oral)

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

The applicants herein have instituted the instant O.A. for setting aside the advertisement dated 18.09.2003 relating to the recruitment to the post of Store Keeper/ Messenger in the scale of Rs.3050-4500/Rs.2250-3200, and for declaration that the action of the respondents in rejecting the candidatures of the applicants, is violative of Article 14 and 16 of the Constitution. In addition to the above reliefs, the applicant has also prayed for mandamus commanding the respondents not to hold any selection/appointment on the post of Store Keeper in pursuance of the impugned advertisement coupled with with a prayer to direct the respondents to consider the claim of the applicants for appointment to the post of Storekeeper by process of interview in pursuance of the advertisement dated 18.09.2003.

2. It has been alleged in the O.A. that candidatures of the applicants were rejected without showing any cause. By means of interim order dated 29.01.2004 the respondents were directed to permit the applicants to appear in the examination, which was scheduled to held on 01.02.2004 pursuant to the advertisement dated 18.09.2003. The respondents have now moved an application through Shri Rajeev Sharma, Addl. Standing Counsel for Union of India, supported with an affidavit of Lt.Col.D.S.Bainsla stating therein that since the applicants have already..pg.3/

:: 3 ::

appeared in the examination in pursuance of the interim order passed by the Tribunal, the respondents are ready and willing to consider their case on merits alongwith other candidates ignoring the shortcomings in their application form. Although Shri Vikash Budhwar wanted time to file reply to the affidavit filed in support of M.A.No.2499/04 but in view of the averments made in the affidavit filed by Lt.Col.D.S. Bainsla, we think it proper to dispose of this O.A. finally as we have no reason to doubt the averments made in the affidavit.

3. In view of the above, O.A. is finally disposed of with a direction to the respondents that the candidatures of the applicants shall be considered on merits by ignoring the shortcomings, if any, in their application forms and declare the result accordingly. The interim order stands vacated. No order as to cost.

Samuel Virendra Hay
Member (A)

(Signature)
Vice Chairman

/M.M./