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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 16th day of February, 2005.

Original Application No. 117 of 2005.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. S.C. Chaube, Member- A.

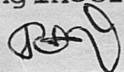
1. Amar Singh, S/o Sri Padam Singh,
R/o Doordarshan Kendra, Defence Enclave,
Post Umar Siya, Distt. Bareilly.
2. Naresh Kumar S/o Chatra Pal,
R/o Vill. Bukhara, Post-Chaubari,
Distt. Bareilly.
3. Vikas Giri S/o Sri Ramesh Giri,
R/o Vill. Dungarpur, Post- Niranjapur,
Distt. Haridwar.
4. Mukesh Yadav S/o Sri Ram Laxman Yadav,
House No. 509, Ahir Mohalla Sadar Bazar,
Bareilly Cantt, Bareilly.
5. Rafil Mohammad S/o Sri Abdul Mazid,
R/o House No. 14, Near Police Station,
Sadar Bazar, Bareilly Cantt, Bareilly.
6. Shiv Kumar Mishra S/o Sri Omkar Mishra,
R/o 48-C, Hill Track Road, Bareilly Cantt.
7. Ghanshyam Das S/o Sri Jhajan Ram,
a/a 30 years, R/o Q. No. 65/3,
MES Key Personnel Quarters, Budaun Road,
Bareilly Cantt.

.....Applicants

Counsel for the applicants :- Sri R.C. Pathak

V E R S U _ S

1. Union of India through Secretary,
M/o Defence, New Delhi.
2. Engineer-in-Chief, Engineer-in-Chief Branch,
Kashmir House, AHO, DHQ, P.O., New Delhi.110011.
3. Chief Engineer, Central Command, Lucknow.



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4. Chief Engineer, Bareilly Zone,
Bareilly.
5. Commander Works Engineer No. 1,
Dehradun Cantt.
6. Commander Works Engineer (Hills),
Dehradun Cantt.

.....Respondents

Counsel for the respondents :- Sri Saumitra Singh

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The applicants herein appeared in the test held for the recruitment ^{for} ~~for~~ the posts of Mazdoor, Chaukidar and Safaiwala on the basis of Local Recruitment Sanction (in short LRS). The test was held on 4/5.12 2000. However, the result was not declared. The applicants instituted O.A No. 997/2003 which was disposed of by the Tribunal with a direction to the respondents to declare the result of the test held for the post of Mazdoor/Chaukidar/Safaiwala. Pursuant to the said direction matter was taken up by the competent authority and on consideration of the facts and circumstances of the case, the impugned order dated 07.04.2004 came to be passed holding that there was a ban on recruitment and LRS period of six months expired during the ban and since there was no vacancy available, ^{there is} no need to declare the result.

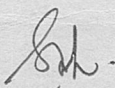
2. It is not disputed that the vacancies ^{for} ~~is~~ for which the LRS is issued are required to be filed within six months from the date of result. Admittedly the said period of six months expired long back. However, learned counsel for the applicant submits that even according to the scheme under which LRS is given, if recruitment is not made within the period of six months, because of "unavoidable reasons", fresh LRS are required to be obtained from the

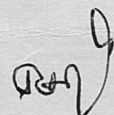
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AGs Branch, Army Headquarter. Be that as it may the competent authority has held that there were no vacancy available and in the circumstances the necessity of obtaining fresh LRS/extension for recruitment does not arise. It cannot be gain said that the applicants acquired[✓] no right to the post against which they had appeared in the test held on 4/5.12.2000. The order impugned herein suffers from no infirmity[✓] and the applicants are not entitled to seek direction to the respondents to decalre the result. of the test held on 4/5.12.2000 which has automatically elapsed after expiry of period of six months. It is well settled that the mandamus cannot be issued unless the applicants seeking issuance of mandamus^{one ✓} are able to demonstrate^{that they have ✓} the legal rights which in the instant case are not established.

3. Accordingly the O.A fails on merit and is dismissed with no order as to costs.


Member- A.


Vice-Chairman.

/Anand/