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Court No.2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.922 of 1986

(O.S. No.1435 of 1985)

Smt. Urmila Yadav Plaintiff

Versus

Union of India & Another..... Defendants

Hon.Mr. D.K.Agrawal, J.M.

Hon.Mr. A.B.Gorthi, Member(A)

(By Hon.Mr.D.K.Agrawal, J.M.)

Civil Suit No.1345 of 1985 filed in the Court of Munsif City Kanpur received on transfer to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 has been registered as T.A. No.922 of 1986 as indicated above.

2. The prayer in the Suit is for issuance of mandatory injunction directing the defendants to appoint the plaintiff Smt. Urmila Yadav as Attendant Family Planning.

3. The facts are that in pursuance of a requisition the Employment Exchange Kanpur sponsored four female candidates for the post of Family Planning Attendant. They were called for interview on 30.1.1985. The Selection Board placed Smt. Maya Gupta at Sl.No.1 and Smt. Urmila Yadav at Sl.No.2 in order of merit. However, the competent authority decided that no waiting list need be drawn. Since there was one vacancy it was decided by the competent authority to pick up Smt. Maya Gupta at Sl.No.1 as a selected candidate. Thus

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Smt. Urmila Yadav's name was not included in the select list by the competent authority at any point of time. If so, the claim of the applicant i.e. Smt. Urmila Yadav does not exist in the eyes of law.

4. The learned counsel for the plaintiff convassed before us that if Smt. Maya Gupta has not been given the appointment, the plaintiff may be considered for the same. The learned counsel for the defendants informed us that the selection of Smt. Maya Gupta has also been cancelled because she was not found fit for appointment during the ^{verification} ~~qualification~~ proceeding. If so, there does not exist any selection at all. In the circumstances, we do not consider it proper to issue any direction for consideration of Smt. Urmila Yadav. However, if she is eligible, she may apply for the post. We hope that the Selection Board will then take into account the fact that Smt. Urmila Yadav had secured position at Sl.No.2 in the merit list in the earlier selection. We are, however, not inclined to issue ^{in other} any direction in the above circumstances. The Suit of the plaintiff is dismissed without any order as to costs.

[Signature]
Member (A)

[Signature]
Member (J) 19.4.91

Dated the 19th April, 1991.

RKM