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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

...

T.A. No. 1612 of 1986

( Suit No. 1008 of 1985 )

Har Het Singh ... .. Applicant.

Versus

Union of India and others ... .. Respondents.

...

Hon'ble Mr. Justice, K. Nath, V.C.

Hon'ble Mr. K. Obayya, A.M.

( By Hon'ble K. Obayya, A.M. )

The above described suit is before us after receipt of transfer from the court of Munsif, Agra under Section 29 of the Administrative Tribunals, Act, 1985.

2. The plaintiff has prayed for restraining the defendant nos. 1 & 2 from holding interview of the candidates contained in the list sent on 16.8.1985 by defendant no. 3 and to direct the defendant no. 3 to send a proper list according to seniority.

3. The case of the plaintiff as made out in the plaint is that he was appointed as EDDA, Fatehpur Sikri post office. His name was registered in the Employment Exchange, Agra for a Class-IV job and he has passed junior High School. The Employment Exchange Officer, Agra received a requisition for sponsoring names of eligible candidates for the post of E.D.D.A. (Fatehpur Sikri), and a list of candidates was duly sent to the senior Divisional Inspector, North Agra, but the list did not contain the name of the plaintiff. It is alleged by the plaintiff that the list was manipulated by defendant no. 3 to include candidates registered for Class-III posts, by changing the registration to Class-IV

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posts, and those having higher qualification like intermediate and B.A. were preferred, while the minimum qualification was 8th pass, and this was done with a view to deny selection of the plaintiff.

4. The defendants contested the suit by filing a written statement. According to them, the plaintiff was only a substitute engaged by one Horilal, the regular E.D.D.A., on his own responsibility. The plaintiff was not appointed by the department. Sri Horilal, the regular E.D.D.A. appeared for selection to the post of post man, and he qualified, consequently, he was appointed as a post man in the department. Since the vacancy of E.D.D.A. Fatehpur Sikri (Agra) was vacant, the Employment Exchange Officer, Agra was requested to send a list of eligible candidates. The Employment Exchange Officer sent a list of five candidates, and these candidates were considered by the Senior Divisional Inspector, North who is the appointing authority. The name of the plaintiff was not in the list, hence he could not be considered, since according to rules, only candidates sponsored from Employment Exchange, have to be considered, they could not entertain any direct application from the plaintiff. The allegations of manipulations are denied.

5. We have heard the counsel of the parties and perused the record. The plaintiff was only a 'substitute' of the regular E.D.D.A, Horilal. A substitute gets no right & preferential claim for regular appointment as E.D.D.A. unless he is registered in the Employment Exchange and his name is sponsored for selection in response to a requisition sent by the appointing authority. Admittedly, the name of the plaintiff was not sponsored for the vacancy at Fatehpur

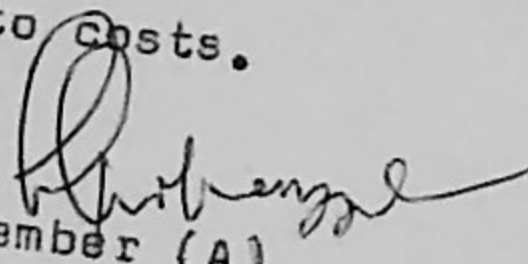


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Sikri (Churiyar Branch) Agra. Presumably, the candidates included in the list answered the requirements of the departments and were senior to the plaintiff. The plaintiff has not been able to establish that he was senior to the candidates who were sponsored or he is better qualified. On the other hand, his allegation that candidates with higher qualification were sponsored, is found to be baseless. The list of five candidates sent by Employment Exchange shows that all of them are 8th pass (para 22 of the written statement). The plaintiff alleges that there has been fraud and manipulation in the list, committed by defendant no.3. Defendant no.3 is State of Uttar Pradesh, represented by Collector, Agra. It is not stated, how the collector has come into the picture and what he has to do with the list sent by Employment Exchange.

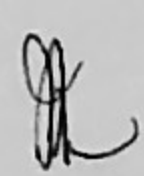
6. The plaintiff is not able to establish, that the omission of his name in the list of candidates was a mistake and that by seniority in the registry, he was entitled to be sponsored by the Employment Exchange. The suit is utterly devoid of merits and accordingly it is dismissed with no order as to costs.

  
Member (A)

Dated : 19 March, 1991

Allahabad.

( n.u. )

  
V.C.