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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

REGISTRATION O.A.NO.520/87

C.B. Pandey Applicant

Versus

Union of India & Others... .. Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A. B. Gorthi, Member(A)

(By Hon'ble Mr. Justice U.C.S., V.C.)

The applicant who joined Workshop at Allahabad as a Boy Training^{ee} on 6.12.1962 for a period of 10 months under the technical training Scheme and after completing of the training period, he ~~was~~¹ joined as^a full fledged^d mechanist in the year 1978-79. There were three vacancies of Foreman, 11 vacancies of Senior Charge Men, 6 Charge Men of which few were reserved for members of S.C. and S.T. These vacancies were notified to the Employment Exchange, and the name of the applicant was also forwarded by the Employment Exchange. The applicant also appeared in the test and qualified in it and his name was placed at serial no. 2. Out of 3 posts of Foreman, two were reserved for the members of S.C. community and one kept for general category. The person whose name was above the name of the applicant was appointed against that^{general category} post. The grievance of the applicant is that⁴ he^{when} applied for the said post, but he had not completed the age of 35 years which is the prescribed age for the post of the Fore-man, he was not appointed at that time as foreman and he was appointed as Jr. Foreman although he had qualified for the said

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post. It appears thereafter the Army Headquarters praising his work directed that relaxation in age be granted and he should have been appointed in the year 1983. Two more posts occurred and the Commandant did not call from the Employment Exchange which decided that these posts may be given to the departmental candidate.

2. Ministry of Home, Department Personnel and Administrative Reforms has already taken a decision in view of conflicting demands and references. The said decision has been filed along with the rejoinder affidavit the relevant portion of the same runs as under:

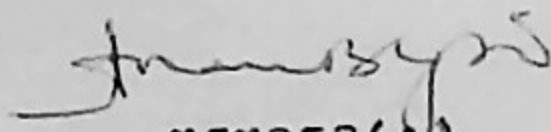
"The matter has been carefully considered. Normally, recruitment whether from open market or through Deptt. Competitive examination should take place only when there are no candidates available from an earlier list of selected candidates. However, there is likelihood of vacancies arising in future, in case, names of selected candidates are already available, there should either be no further recruitment till the available selected candidates are absorbed or the declared vacancies for the next examination should take into account the number of persons already on the list of selected candidates awaiting appointment. Thus, there would be no limit on the period of validity of the list of selected candidates prepared to the extent of declared vacancies, either by the method of direct recruitment or through a Deptt. competitive examinations."

3. On behalf of the applicant it is contended that the panel was continued throughout and it has not exhausted, while on behalf of the respondents it has been stated that when the vacancy is notified the panel automatically came to an end. Accordingly a decision

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remains ^{my}that the case of applicant both for relaxation and for ^{for}appointment in the year 1983 in view of the Ministry of Personnel decision referred to above were not considered and it was for the department to consider the applicant's claim. Obviously a decision should have been taken and speaking orders passed on the representation of the applicant. Accordingly we direct the respondents to consider the case of the applicant and pass a speaking order within a period of 3 months from the date of communication of this order. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

DATED: 17 th May, 1991

ALLAHABAD

(ss)

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