

CENTRAL ADMINISTRATIVE TRIBUNAL

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Registration O..A. No. 624 of 1987

Balram Applicant

Vs.

Union of India & ors.... Opp. Parties

Hon' Mr. D.S. Misra, A.M.

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

(By Hon ' Mr. D.S. Misra, A.M.)

In this application under section 19 of the Administrative Tribunal Act, 1985, the applicant has sought a direction to the respondents to appoint the applicant to the post of Store Keeper cum Clerk in the Homoeopathic Unit of the Central Government Health Scheme Allahabad with effect from 5-2-1985 and to pay difference of pay and allowances with arrears.

2. The admitted facts of the case are that the applicant, who is a Matriculate, has been working as a Peon in the Homeopathic Unit of the Office of Chief Medical Officer, Central Government Health Scheme Allahabad; that there are two sanctioned posts of Store Keeper cum Clerk in the Homeopathic Unit; that ~~and~~ the applicant is a member of scheduled caste, there was one more candidate of scheduled caste who appeared in the interview held on 25-1-1985. The applicant has alleged that the result of the interview was not declared, but respondents have stated that the result was declared on 15-2-1985, and the selected candidate was informed

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about it. The applicant has contended that the post for which the selection was held, was previously held by Shri A.L. Bhartia who was a scheduled caste candidate. The respondents have denied the contention of the applicant that this post was to be filled by promotion and was reserved for a scheduled caste candidate. It is stated that the post of Store Keeper cum Clerk was to be filled by direct recruitment and not by promotion and the 100 point roaster is applicable and not the 40 point roaster, as alleged by the applicant. The respondents admitted that in the advertisement issued on 16-2-1981, it was incorrectly mentioned that the post was reserved for scheduled caste candidate (Copy Annexure-1), this has been clarified vide their letter dated 8.7.87 in reply to the representation of the applicant.

3. We have heard the learned counsel for the parties and carefully examined the record of the case. The two contentions of the applicants are that the post for which the selection was held was to be filled in by promotion and this was reserved for the scheduled caste candidate. Both these contentions have been denied by the respondents who have filed documentary evidence in the support of their contention. We also find that the applicant was allowed to appear in the interview, but another candidate was selected for the post. There is no allegation that the person selected for the post was not qualified and therefore,

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there does not appear to be any illegality for giving appointment to the selected candidates.

4. For the reasons mentioned above, there is no merit in the application and the same is dismissed without any order as to cost.

DK Agarwal

MEMBER (J)

Bhattacharya

MEMBER (A)

(sns)

July 5
JUNE 1989.

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