

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 732 of 1987

Mahesh Prasad ... ... ... Applicant.

Versus

Director General, Armed Forces,  
Medical Services and 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. Srivastava, V.C. )

A selection for the post of Fireman Grade- B has taken place on 20th and 21st August, 1986. The respondents No. 1 and 2 make appointments to the post of Fireman Grade-B in pursuance of the said selection, on the basis of the merit position obtained by the persons in the panel of successful candidates. In the panel, the name of the applicant was at Sl. No. 6, and one Shashi Kant was at Sl. No. 5. As there was ban on the recruitment, no appointment was made. Ultimately in the year 1987, the ban was removed and accordingly 5 appointments were made including that of Shashi Kant Yadav who was placed ~~Respondent~~ at Sl. No. 3. Later on, it was found that Gyan Singh, who was placed at Sl. No. 4 in the panel was overage, and consequently his name was deleted and one who was at Sl. No. 5 was given appointment. The applicant was at Sl. No. 6. The applicant was affected with the appointment of the respondent nos. 3 to 7 and after approaching to the department, has <sup>now</sup> approached to the Tribunal by means of an Application under Section 19 of the Administrative Tribunals Act.

2. The grievance of the applicant is that the respondent no. 3 whose name does not appear in the approved panel was given appointment, although the

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applicant who was at Sl. no. 6 was not given appointment. The applicant has paryed to set aside the appointment of the respondents no. 3 to 7 to the post of Fireman Grade- B by declaring the same as illegal. Shashi Kant was adopted son of Kanhai and after his retirement, an application was moved for compassionate appointment and being adopted son Kanhai was given compassionate appointment, although he was not adopted son of Kanhai but was son of Rajaram, as sponsored by Employment Exchange, his appointment was cancelled. Now the allegation made by the applicant has not been specifically denied by the department. ~~the~~ Shashi Kant had <sup>also</sup> filed a written statement in this case but he has also not denied ~~the~~ disputed the fact, that earlier he got appointment on compassionate ground. The only thing which he has said that his appointment has been cancelled <sup>on the</sup> ground that his services were no longer required. The averments made by the applicant makes it clear that his candidature was cancelled or that his appointment was cancelled on this very ground stands unrefuted, and as such the same has ~~been~~ got to be accepted. But it is not known that in fact, what are the number of marks ~~given~~ given for this appointment were appropriate or not.

3. In the result, this application deserves to be allowed in part and the respondents are directed to find out within a period of one month the marks and experience given to the said Shashi Kant Yadav. The said marks will be taken out from the total marks secured by the applicant, and thereafter if he gets lessor marks than the applicant, the applicant will be given the appointment and the ~~appointment of the~~

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appointment of Shashi Kant Yadav will be cancelled.

The application is disposed of with the above observations.

Parties are left to bear their own costs.

*Shashi Kant Yadav*  
Member(A)

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Vice-Chairman

Dated: 25.10.1991

(n.u.)