

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

D.A. NO.: 1391/88.
F.A. NO.:

DATE OF DECISION: 2/5/95

1. Shri. Dwivedi Kataria
2. Bannu Prasad

PETITIONER(S)

Shri. L. C. Kataria

ADVOCATE FOR THE
PETITIONER

VERSUS

U. O. 1. & Others

Shri. Dhole Mohily

RESPONDENT (S)

ADVOCATE OF THE
RESPONDENTS

C O R A M

The Hon'ble Mr. Justice B. C. Saxena, V.C.
The Hon'ble Mr. S. Dayal, D.M.

1. Whether Reporters of local papers may be allowed to see the judgment? X
2. To be referred to the Reporter or not? X
3. Whether their Lordships wish to see the fair copy of the Judgment? X
4. Whether to be circulated to all other Bench? X

Doc

SIGNATURE

MANISH

(32)

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH,
ALLAHABAD.

Original Application No. 1391 of 1988.

(8)

Today, the 2nd day of May, 1995.

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN
HON'BLE MR. S. DAYAL, ADMINISTRATIVE MEMBER.

1. Sri Niwas Katara

2. Ram Prasad

::::: Applicants

ADVOCATE SHRI R.C. KATARIA

VERSUS.

1. Union of India,
through Secretary,
Ministry of Defence,
Government of India,
New Delhi.

2. The Director General,
Ordinance Services,
Army Head Quarter,
D.H.Q., P.O. New Delhi-1.

3. The Commandant/Brigadier,
Central Ordinance Depot,
Agra.

::::: Respondents.

BY ADVOCATE SRI ASHOK MOHILEY

ORDER (Oral).

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

When the case was called out no one responded on behalf of the applicant. No rejoinder has been filed. We have heard Shri Ashok Mohiley, learned counsel for the

respondents and ^{have} gone through the pleadings. Counter Affidavit, on behalf of the respondents, was filed after serving a copy of the same on the learned counsel for the applicant on 26-4-1989, but no rejoinder has been filed. (9)

2. Through this O.A. the applicants have sought quashing of the selection to the post of labourers in Central Ordinance Depot (C.O.D.), Agra, held on 28-3-88 and 29-3-88. The applicants have also sought a direction to be issued to the respondents to appoint them on the post of labourer.

3. In the Counter Affidavit it has been indicated that the applicants' candidature was considered but they failed to qualify in physical test/interview, and therefore, their names were not recommended by the Board of Officers for appointment to the post of Mazdoor. In view of the uncontroverted averments in the counter affidavit, there is no merit in the O.A. since the applicant had not qualified at the selection, no relief, as prayed for by them, can be granted. As ^{as} for quashing of the selection in question, a vague averment has been made in the O.A. that 95% of the posts were filled from the near relatives of the employees of C.O.D., Agra. No particulars have been given nor any names have been indicated from the select list that such candidates were the near relatives of the employees of the C.O.D., Agra. In the circumstances of the pleadings, when the respondents have categorically denied such allegations it is difficult to hold that the said selection suffered from any illegality. The O.A. is accordingly dismissed.

AP
3

-3-

The parties shall bear their own costs.

(nair)

Lawer
MEMBER (A)

Besakene
VICE-CHAIRMAN. (10)