

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A_L_L_A_H_A_B_A_D_

Dated : Allahabad this the 27th day of June 1996.

CORAM : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. D. S. Bawejia, Member-A

Original Application No. 196 of 1988

SHri Chandra Shekhar Yadav s/o. late Shri Chhedi Lal,
R/o. 223, Madhwapur, Bairahna, Allahabad.

....Applicant.

(THROUGH ADVOCATE SHRI K. K. TIWARI)

V E R S U S

1. Union of India, Ministry of Defence Through
The Secretary Central Secretariat, New Delhi.
2. The Chief Engineer, Headquarters, Central
Command, Cantonment, Lucknow-226002.
3. The Chief Engineer, Lucknow Zone, Lucknow-228002.
4. Commander, Works Engineers, Allahabad.
5. The Garrison Engineer, (West),
Military Engineering Services, Allahabad.
6. The Regional Employment Officer, Employment
Office, Thornhill Road, Allahabad.

.....Respondents.

(THROUGH ADVOCATE SHRI N. B. SINGH)

Q R D E R

(BY Hon'ble Mr. T. L. Verma, J.M.)

This application, under Section 19 of the
Administrative Tribunals Act, 1985, has been filed for
issuing a direction to the respondents to appoint the
applicant on the post for which selection was held vide
order dated 5.12.1984. The applicant has also claimed
wages from the date other selected persons have been
given appointment with all other consequential

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benefits.

2. The name of the applicant was sponsored by the Employment Exchange Allahabad to the Garrison Engineer (West), Allahabad for appointment as Casual Labour. The applicant was interviewed on 17.10.1982. No appointment letter, however, was issued to him. He therefore, made inquiries from the appropriate authorities time and again but, he failed to know the result of the selection held in 1984. Further case of the applicant is that in February, 1987 when he approached the Regional Employment Officer, Allahabad for renewal of his registration card he learnt that his name has been deleted from the register of the Employment Exchange in view of the information that he has been selected for the selection held in 1984. The applicant again approached the office of the Garrison Engineer (West), Military Engineering Services, Allahabad. After seeking information in that regard, he was informed that he has not been selected for any job. He submitted representation to the Garrison Engineer and other higher officials of the Department for supply of the order dated 5.12.1984 but to no avail. He has, therefore, filed this application for the relief mentioned above.

3. The respondents have contested the case of the applicant. The respondents, while admitting that the name of the applicant was sponsored by the Employment Exchange for the post of Mazdoor on casual basis, ^{have} stated that his position in the merit list prepared by the Selection Board was at Sr. No. 9 and that appointment letters were issued to candidates at Sr. Nos. 1 to 8 only. The applicant could not be appointed. It has further been stated that the

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Employment Exchange was informed that candidates from Sr. No. 9 of the merit list could not be appointed.

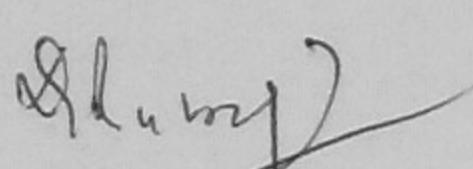
4. The applicant has filed a rejoinder-affidavit wherein the statements made in the O.A. have been reiterated.

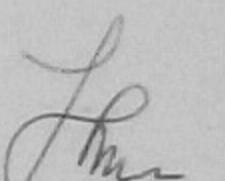
5. We have heard the learned counsel for the parties and perused the record. In view of the admitted position that the applicant had been interviewed on 17.10.1984 for appointment as Casual Labour, the only question that falls for our consideration is whether the applicant has acquired any right for appointment. The settled law is that even a candidate selected for appointment has no right to appointment and that the candidate does not acquire any right to be appointed merely by appearing at the selection test. The notification, ordinarily amounts to an invitation to qualified candidates to apply for recruitment but, on their selection they do not acquire any right to the post unless the relevant recruitment rules so envisage. This being the settled position of law, the applicant cannot claim that he has acquired a right for appointment on the post of labour for which he was interviewed. The position, however, would have been different had the applicant succeeded in showing that persons below him in the merit list have been given appointment. In such a case, the applicant may have come forward with the allegation that his exclusion in preference of a person having lower seniority position in the merit list is arbitrary and discriminatory and violative of Articles 14 and 16 of the Constitution of India.

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6- The respondents have made specific averment in the counter-affidavit that the position of the applicant in the merit list was at sr.no. 9 and that candidates upto sr. No. 8^{only} have been given appointment. The applicant has failed to show that the persons below Sr. No. 8 also have been given appointment. The applicant has also failed to show that there were more vacancies available at the time persons at Sr.Nos. 1 to 8 were appointed. There is no material before us to show that there were vacancies which could have been offered to the applicant who had been placed in the panel on the basis of his position in the merit list.

7. In view of the above, we find no merit in this application and dismiss the same accordingly. There will be no order as to costs.


Member-A


Member-J

(Pandey)