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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...  
O.A. No. 840 of 1988

Dated: 08.12.1994

Kirti Kumar Yadav son of Sri Kripa  
Shanker Yadav, Resident of 150  
Fatehpur Bichhuwa, Allahabad ... Applicant.

( By Advocate Sri Virendra Kumar )

Versus

1. Union of India, through the Secretary,  
Ministry of Defence, New Delhi.
2. The commandant, Ordinance Depot,  
Fort, Allahabad. ... Respondents.

( By Advocate Sri A. Mohiley )

Hon. Mr. S. Das Gupta, A.M.  
Hon. Mr. T.L. Verma, J.M.

( By Ho

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( By Hon. Mr. S. Das Gupta, Member(A) )

The applicant's case is that he was sponsored by the local Employment Exchange for the post of Fireman Grade-II in the office of the respondent no.2 along with 38 other candidates. He was directed to bring certificates testimonials by the respondent no. 2. The applicant appeared in the office of the respondent No. 2 on 31.3.1988 with original documents where he was subjected to the physical and endurance test and he claims that he qualified in such tests. The certificates and other documents were also verified thereafter. The applicant appeared in the written test on 4.4.1988 and he claims to have passed the written test also

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following which he was interviewed on the same day by a board of officers.

2. The applicant's grievance is that thereafter although several other candidates who were sponsored by the Employment Exchange have since been appointed by the respondent no. 2, he has not been so appointed. The applicant submitted a representation to the respondent no. 2 for issuance of an appointment letter but this representation is stated to be not replied to. It is stated that thereafter the respondents informed the applicant's counsel that he was not selected for the post and did not ~~found~~ find a place in the merit list. This has led the applicant to file this petition in the Tribunal.

3. The respondents in their counter reply have clearly stated that the applicant did not qualify in the test and, therefore, the question of appointing him did not arise. There is no effective rebuttal of this contention in the rejoinder affidavit submitted by the applicant.

4. We have heard the learned counsel for the parties and have carefully gone through the records of the case.

5. In view of the categorical averments

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made by the respondents that the applicant did not qualify in the test, the question of appointing the applicant could not arise. The applicant has no claimed anywhere in the application or in the rejoinder affidavit that he has actually qualified in the written test and interview and found a place in the merit list. The application is, therefore, lacks merit and is hereby dismissed.

6. In view of the foregoing, the application is dismissed. There will be no order as to costs.

*J. Verma*  
Member (J)

*W. L.*  
Member (A)

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