

(14)

RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Registration (O.A.) No. 1238 of 1988

Sunil Kumar Singh	....	Applicant.
Versus		
Union of India & others	....	Respondents.

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Hon'ble G.S. Sharma, J.M.  
Hon'ble K.J. Raman, A.M.

(Delivered by Hon. K.J. Raman, A.M.)

In this application, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, Sunil Kumar Singh, seeks to obtain relief in the matter of his selection as Armorer <sup>Mate</sup> with the E.M.E., Allahabad. The case of the applicant is that he is a trained person and had enrolled himself in the Employment Exchange at Allahabad for the post of Armorer Mate. The respondents had some vacancy in the grade of Armorer Mate and the name of the applicant was sponsored by the Employment Exchange to the respondents. The respondents, by a letter asked the applicant to be present for the test and interview to be conducted for the post of Armorer Mate during specified dates in April, 1988. The written test as well as practical test and interview was held by the respondents and according to the applicant, the results have not been declared. The applicant has annexed a copy of a letter dated 19.7.1988 from the respondents to the Regional Employment Officer, Allahabad. This is the letter against which the applicant has complained and sought relief. In this letter it is stated that the applicant, Sunil Kumar Singh, whose name was sponsored by the Employment Exchange by their letter No.T/59/88/191, dated 19.3.1988 has not been found <sup>(Army)</sup> suitable for the post of Armorer. The whole case of the applicant is that whereas he had been sponsored for the post of Armorer

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Mate

~~XXXX~~ for which post he was qualified and he was tested for the post of Armorer Mate. It is written in the impugned letter that he was not found suitable for the post of ~~Armorer~~ <sup>Armorer</sup>. He points out that the post of Armorer is quite distinct and different from that of Armorer Mate. The qualification for the former post is higher and the applicant never competed for that post. It seems to be the contention of the applicant that he has been wrongly denied the posting as Armorer Mate, on the ground of being found unsuitable for the post of Armorer. He, therefore, seeks to stay the operation of the impugned letter dated 19.7.1988 and also a direction to the respondents not to make any appointment to the post of Armorer/ Armorer Mate "on the basis of Union influence".

2. The stand of the respondents is that, firstly the impugned letter of 19.7.1988 is not an order at all but merely an intimation from the respondents to the Employment Exchange, stating that the applicant was not found suitable on test. They aver that a copy of this letter was given to the father of the applicant on the latter's specific request, only for enabling the applicant to apply elsewhere for the job. As regards the specific post to which the applicant was called and tested and found unsuitable, the respondents clearly assert that the name of the applicant was sponsored by the Employment Exchange for the post of Armorer Mate only and he and another applicant were tested for the post of Armorer Mate only, by a duly constituted Board of Officers. It is pointed out that the applicant does not even <sup>possess</sup> ~~possess~~ the requisite qualification for the Armorer's post and the question of his being considered for Armorer's post never arose.

3. Sri S. Kumar, learned counsel for the applicant, and Sri Ashok Mohiley, learned counsel for the respondents, argued their respective cases. We have carefully considered their arguments and the submissions made in the pleadings.

4. It <sup>would</sup> ~~thus~~ appear that the whole controversy has been raised because of the vague description of the post in the impugned letter



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dated 19.7.1988, ~~Army~~ Now that the respondents have clearly testified that there was no confusion about the post and that the applicant was tested by a Board of Officers for the post of Armorer Mate only and found by such Board to be not suitable for that post, ~~therefore~~ there does not seem to be any scope for this Tribunal to give any relief to the applicant in this case.

5. In view of the above, the application fails and is accordingly dismissed with no order as to costs.

*Member (A)*  
MEMBER (A).

*Member (J)*  
MEMBER (J).

Dated: 13-7-1989.

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