

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

1. O.A. No. 412/92
Ram Prasad Kushwaha
2. O.A. No. 413/92
Aleem Ahmad
3. O.A. No. 414/92
Ranna Lal
4. O.A. No. 415/92
Mohd. Shakilullah Khan
5. O.A. No. 416/92
Harish Kumar Tiwari
6. O.A. No. 417/92
Kishore Kumar Sen
7. O.A. No. 418/92
P. G. Mutatkar
8. O.A. No. 419/92
Vinod Kumar.
9. O.A. No. 420/92
Krishna Kumar Soni
O
10. O.A. No. 421/92
Umakant Boplay
11. O.A. No. 422/92
Rakesh Kumar Raikwar
12. O.A. No. 423/92
Rakesh Kumar Agarwal
13. O.A. No. 426/92
K.M. Srivastva
14. O.A. No. 427/92
Banshidhar Saini
15. O.A. No. 566/92
Uma Sharma
16. O.A. No. 567/92
Smt. Rusharraf Sultana
17. O.A. No. 569/92
P.K. Jharkheria

Applicants

Union of India & Others. .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A. B. Gorathi, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

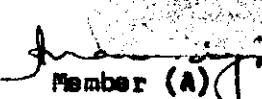
As identical pleas have been raised and the claims of these persons are similar these applications are being disposed of

gment. Shri G.P. Agarwal, learned Counsel for the
no has been asked to take the notices of these cases,
same and wanted some time to file reply. Similar
been decided by this Tribunal and therefore, there
for this Tribunal to allow time to the respondents
nts are raising their claims on the basis of Judgment
s Tribunals.

licants appeared in the written test for the post of
nd other cadres in response to the advertisement
way Service Commission, Bombay. They were declared
the written test and then they were called for
is said that they were declared successful for
appointment to the post of office clerk and in various
s and their names have been forwarded to concerned
s for appointment. But no appointment letter was
n the applicants approached the concerned higher
ertain irregularities were detected and they were
or some time more. Subsequently a list was published
and the applicants' names did not find place
d accordingly they made a representation against
they did not get any reply, after giving legal
pproached the Tribunal, like similarly affected
ewhere, including Bombay and Allahabad. In these
ndents took the plea of jurisdiction which was
was also stated by the respondents that because
foul play by some one the matter was under
and that is why the names of the applicants
and they were not given appointment. If there was
y in the matter of inclusion of their names, they
n given an opportunity or at least they would
aised of the relevant facts which would have

enabled them to file a representation against the same to make their position clear.

3. Because there was some foul play by some one, even if there was some investigation against some-body, the balance could not have been deprived of the appointment order. Accordingly the application is allowed to the limited extent with a direction to the respondents to launch an enquiry into the matter associating with the applicants ⁱⁿ the same and in case no foul play on their part is found they should not be deprived of the fruits of their labour and they should be given appointments. The enquiry shall be concluded within a period of 3 months from date of communication of this judgement and thereafter necessary orders regarding the appointment shall be passed. But we make it clear that if the entire examination is cancelled, none of the candidates who appeared in the examination will get benefit and, therefore, the applicants also will not get any benefit of the observations made as above.


Member (A)

Vice-Chairman

Dated 12th May, 1992, Allahabad.

(tgk)