

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

1. O.A.No.412/92  
Ram Prasad Kushwaha
2. O.A.No.413/92  
Aleem Ahamad
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  
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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. Musharraf Sultana
17. O.A. No.569/92  
P.K. Jharkharia

Applicants

Vs.

Union of India & Others.

.. Respondents.

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

Hon. Mr. A. B. Gorthi, 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

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

Applicants appeared in the written test for the post of clerk and other cadres in response to the advertisement of the Bombay Service Commission, Bombay. They were declared successful in the written test and then they were called for interview. It is said that they were declared successful for appointment to the post of office clerk and in various cases and their names have been forwarded to concerned authorities for appointment. But no appointment letter was issued to the applicants approached the concerned higher authorities. Certain irregularities were detected and they were asked to wait for some time more. Subsequently a list was published and the applicants' names did not find place in it. Accordingly they made a representation against the same. They did not get any reply, after giving legal notice they approached the Tribunal, like similarly affected persons elsewhere, including Bombay and Allahabad. In these cases respondents took the plea of jurisdiction which was rejected. It was also stated by the respondents that because of foul play by some one the matter was under consideration and that is why the names of the applicants were not given appointment. If there was any irregularity in the matter of inclusion of their names, they should be given an opportunity or at least they would be apprised 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 should 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 <sup>with</sup> 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, 1982, Allahabad.

(tgk)