

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad : Dated this 27th day of June, 2000

ORIGINAL APPLICATION NO. 483 of 1992

CORAM :- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Mahesh Kumar S/o Shri Hari Krishan

R/o 1381, Gondu Compound,

Civil Lines, Sipri Bazar, Jhansi.

...Applicant

C/A Shri R.K. Nigam, Advocate

Versus

1. Union of India through Ministry of Defence,
New Delhi.
2. Director General of Medical Services (Army) //
DGMS-3 (B), Adjutant General's Branch,
Army Hqs, DHO PO New Delhi-11
3. Dy. Director of Medical Services,
Medical Branch,
Army Headquarters, Central Command, Lucknow.
4. DDMS, MP Area, Jabalpur (MP).
5. Commanding Officer, Military Hospital,
Jhansi.

...Respondents.

C/R Shri Amit Sthalekar, Advocate

ORDER

(By Hon'ble Mr. S. Dayal, Member (A))

This application has been filed for setting aside the impugned notification dated 15.01.1991 and a direction to the respondents to issue appointment order in favour of the applicant for the post of Stenographer.

2. The case of the applicant was that he was selected on the post of Stenographer against the vacancy of

Stenographer advertised in Dainik Jagran in August 1990 by the respondents. The respondents without giving appointment to the candidates selected in response to the notification issued in August 1990 have issued another notification on 15.01.1991 which is challenged here.

3. Since none is present for the applicant, arguments of learned counsel for the respondents heard. Learned counsel for the respondents mentions that the panel formed for filling up of backlog of vacancy has not been acted upon. This was due to verification of the Caste Certificate of provisionally selected candidates sent for enquiry to the Collector/Tehsildar, Jhansi/Kanpur. This verification report has not been furnished by the authority.

4. The respondents in their counter reply have given three reasons for not filling up the post of Stenographer as a result of the selection held pursuant to advertisement issued in newspaper on 15.08.1990. Out of these three reasons the first was that the marksheet/certificate of English stenography was awaited from the issuing authority, who was the Principal U.P. Government Industrial Training Institute, Jhansi. The second was the non-receipt of a verification report of caste certificate from Tehsildar, Jhansi. Third reason given was non-receipt of sanction from the Government of India, Ministry of Defence for filling up the very old back log reserved vacancies. The applicant has not controverted these averments of the respondents as he has filed no rejoinder in this case.

5. As far as the first two reasons are concerned the respondents could have given the appointment order pending verification of marksheet/certificate of English stenography and caste certificate. However, since no


sanction was received for filling up the very old back log reserved vacancies, it is clear that no post were available at that time for being filled up. It appears that the applicant did not apply against vacancies advertised by impugned notification and no candidate was found eligible and suitable during trade test and interviews conducted by the respondents on 03.02.1992. No candidate could be provisionally selected against back log of reserved vacancies.

6. In view of these facts the impugned notification dated 15.01.1991 has already become infructuous on account of the situation mentioned in the last paragraph. No appointment order could be issued to the applicant as their selection was provisional and subject to Government of India according sanction for filling up very old back log vacancies. No such sanction was received.

7. We, therefore, do not find the applicant entitled to any relief. The O.A. is, therefore, dismissed.

No order as to costs.


Member (J)


Member (A)

/S.P./