

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

Dated: The 16TH DAY OF JANUARY, 1997

Original application No. 100 of 1992
Hon'ble Mr. S. Das Gupta

AM

CORAM :

Hon'ble Mr. T. L. Verma.

JM

1. Raj Mahendra s/o Parichat

r/o Babina Cantt, District Jhansi.

2. Lal Ram s/o Mantole,

r/o 119 Mohalla Katra, P.O. Baruasagar,
District Jhansi.

3. Mahesh Kumar s/o Ramji Sharan,

r/o 220 Mohalla Talpura,

District Jhansi.

4. Rakesh Kumar s/o Bhagawan Das,

r/o railway station Maujanipur

District Jhansi at present residing
in Mohalla Outside Sainyer Gate,
District Jhansi.

5. Ram Chander s/o Misri Lal,

r/o Military Hospital, Jhansi Cantt:

District Jhansi.

----- Applicants

C/A Sri M.P.Gupta

Sri Rakesh Kumar Verma

Versus

1. Union of India through the Secretary,
Ministry of Defence, Govt. of India,
New Delhi.

2. Officer Commanding, Military Hospital,
Jhansi.

----- Respondents

C/R Sri Amit Sthalkar.

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ORDER

By Hon'ble Mr. S. Das Gupta AM

This application was jointly filed by five applicants for restraining the respondents from holding Painter, fresh selection for the posts of Carpenter, Boot repairer Tin Smith and Lower Division Clerk for which applicants were respectively selected and to direct the respondents to offer appointment to the applicants on the aforesaid posts with effect from the date of their selection. with all consequential benefits.

2. Brief facts of the case leading to this O.A. are that there was special recruitment drive against back-log vacancies of reserved posts for Schedule Caste candidates ~~and by~~ the respondents in 1990. All the five candidates were selected by a Board nominated for this purpose for the posts of Painter, Carpenter, Boot repairer, Tin Smith and Lower Division Clerk. They were however, not given any appointment. On the other hand respondents re-advertised all these posts in January, 1992. Hence this application.

3. Stand taken by the respondents is that the applicants were provisionally selected against back-log vacancies, but they could have been appointed only, if such backlog vacancies were sanctioned by the higher authorities. As sanction could not be obtained even till date, the applicants could not be offered employment on the post for which they were selected.

4. The applicants have filed rejoinder affidavit controverting the respondents' statement that the ban still applies on recruitment. They have annexed

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a copy of the order by which several persons were appointed on various group 'D' posts. Applicants have also stated that in the counter affidavit, contention of the respondents is that the ban applies to group 'C' posts, whereas the applicants were selected for group 'D' posts and therefore, the ~~bank~~ order should not come in their way of appointment.

5. We have heard the learned counsel for both the parties and perused the records carefully.

6. Admittedly the applicants were regularly selected for various posts for which they appeared in response to notification issued by the respondents for filling of back-log vacancies of Schedule Caste candidates. Apparently due to certain ^{administrative} reasons, they have not been able to issue appointment letter to the applicants so far. It is, however, not clear to us as to why they have re-advertised these posts in case ban on recruitment of these posts was still operative. Be that as it may, it is not for us to decide whether and when the respondents should fill in these vacancies, ~~or not~~. We are, however, aware of the circular issued by the Union of India that once certain persons ~~selected from~~ ^{are placed in} a Select list, that list shall remain in currency until it is exhausted and in future selections must take into account the number of posts that will remain only after accomodating the persons who had been selected in the past.

7. We, therefore, direct the respondents that as and when posts for which the applicants were selected are filled, these applicants shall have prior claim for appointment. Application is disposed of accordingly with the above directions. Parties shall bear their own costs.

J. P. Mehta
(MEMBER (J))

W. C.
(MEMBER (A))