

Open Court.

Central Administrative Tribunal
Allahabad Bench, Allahabad.

Dated: This the First day of December 1999.

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

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

Original Application No. 199 of 1993.

1. Munna Lal aged about 53 years son of Sri Basorey, resident of S. Mewatipura, Jhansi.
2. Shiv Charan aged about 26 years son of Sri J.L. Raikwar resident of 597/1 Gwal Toli Kamal Kachhi Compound, Civil Lines, Jhansi.

. . . Petitioner.

(Through Sri R.K. Nigam, Adv.)

Versus

1. Union of India through Ministry of Defence, Defence Head Quarters, New Delhi.
2. General Manager (P & A) Canteen Stores, Department, Government of India, Ministry of Defence, 'ADELPHI' 119, Maharshi Karve Road, Bombay-400020
3. Manager, Canteen Stores Department, Depot, Jhansi.

. . . Respondents.

(Through Sri C.S. Singh, Adv.)

Order (Open Court)

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

This application has been filed for seeking the relief of direction to the respondents to issue appointment letters in favour of applicants on the basis of panel of 1986 and of 1988. In

case of applicant No.1 ~~panel of 1986~~ and panel of 1988 in case of applicant No.2. There is also a prayer for direction to the respondents to produce the entire proceedings before the Tribunal.

2. The applicants have stated that their names have been sponsored by Employment Exchange Jhansi for the post of Mazdoor in the scale of Rs.750-940 and they were selected by a Selection Committee. Applicant No. 1 was selected in Panels which were made in 1986 and thereafter in 1988 and applicant No.2 was included in panel formed in 1988. The name of the applicant No.1 was at serial No.14 in the panel of 1986 and serial No. 21 in the panel of 1988. The name of the applicant No.2 was at serial No.9 in the panel of 1988. Despite inclusion of their names in the Panels no appointment letters were issued to them.

3. The arguments of Sri Opendra Nath Brief holder of Sri R.K. Nigam and Sri C.S. Singh for the respondents have been heard.

4. The first contention of the learned counsel for the applicant is that no reason has been given for not issuing letters of appointment to the applicants and that the operation of panels was started but the panels were not exhausted and the applicant were not given orders of appointment.

5. The contention of the respondents is that the panel was current for one year and may be extended for another six months. Thus the

panel of 1986 was made on 4.2.87 and was valid till 3.2.88. It was further extended for six months upto 3.8.88. Nine candidates from general category and three candidates from S.C./S.T. category and one candidate from Ex-service man category were offered appointment. No further vacancies were available and therefore no other persons could be accommodated. The name of applicant No.1 stood at serial No. 14, in the list of general candidates- a position admitted by the applicant. In view of this, the claim of applicant No.1 for appointment on the basis of panel of 1986 is not tenable.

6. As regards panel of 1988, the respondents have mentioned in their counter reply that only two empanelled candidates who had experience of work as casual labour in the department were offered employment. Since the applicants were at serial No. 21 and 9 respectively, they could not be offered appointment for want of vacancies. The learned counsel for the applicant has not denied this contention specifically although he mentions that they had ample number of vacancies to complete the panel. It is not the contention of learned counsel for the applicants that any candidate standing lower in merit to the applicants was offered appointment. The learned counsel has mentioned that the respondents offered appointment to candidates stand at serial No.2 and Serial No.4 in the panel formed in 1988 and have adopted the policy of pick and choose but the applicants do not deny that only two vacancies were filled out of the panel formed in 1988.

7. No candidate gets an indefeasible right to

appointment merely because of inclusion of his name in a panel. In the circumstances of the case, we do not find that any relief can be granted to the applicant. Although the panels were formed in 1986 and 1988, the applicants have chosen to file the O.A. in the year 1993, which is four years after the panel of 1988 was operative. Hence even from the point of limitation this application can not be allowed.

8. The application is, therefore, dismissed.
There shall be no order as to costs.

Rafiedan
Member (J.)

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Member (A.)

Nafees.