

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A.No.412/93

Surendra prasad Singh ::::: Applicant

vs.

Union of India & ::::: Respondents
Others.

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

Hon. Mr. V.K. Seth, A.M.

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

On 26-3-93 Shri K.C.Sinha, was present and he was directed to take notice. As directed he took notice, but no written reply has been filed. He appeared to-day. ^{counsel} His appearance has been objected to by the learned ^{for} L applicant. When he was directed to take notice ^u and he is an Additional Standing Counsel for the Central Government, objection of this nature cannot be allowed. In this case a direction was given not to finalise any selection, if any made, ^{in response to} ~~in response to~~ Annexure 6. The applicant came forward with an allegation that a fresh selection has been made and the selection should not be allowed. In his application he has not made reference to the earlier case to which he was a party. The file of that case has been summoned which is Shiv Charan Ram Vs. U.O.I. & Others -O.A.No.154/91 which indicates that the applicant was a party to the said case as respondent No.4. The order sheet of the said case indicates that notices were issued to all the respondents on 2-12-91. Even if the respondents did not appear he could have moved an application for setting aside the judgement which he did not. The advertisements were made in pursuance of the directions given by this Tribunal vide judgement dated 15-2-93, but the Tribunal came to the conclusion that the

appointment of the applicant is the result of the manipulation done by his father who was earlier a Post Master and it was observed that the entire process of selection was made through manipulation and manipulation in this case. As such the selection is liable to be quashed. When the selection took place in pursuance to the directions of this Tribunal, the other bench or the same bench could not have stayed the selection in case this fact could have been brought to the notice of this Tribunal. As such the selection process cannot be stayed. Accordingly the interim order is vacated. However, it is made clear that if any selection is made, the same will be subject to the final order passed in this case.

m/s
Member (A)

h
Vice-Chairman.

Dated: 13th April, 1993, Allahabad.

(tgk)