

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

...

O.A. No. 378 of 1995

Dated: 27.4.1995

Hon. Mr. S. Das Gupta, A.M.  
Hon. Mr. T.L. Verma, J.M.

Arun Majumdar, Son of late Saradindu  
Majumdar, R/o 435-A, Diesel Loco  
Motive Works, Varanasi. ... ... Applicant.

( In person )

Versus

Union of India, the Comptroller and  
Auditor General of India, 10  
Bahadur Shah Zafar Marg, New Delhi  
and 3 others. ... ... Respondents.

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O R D E R

( By Hon. Mr. S. Das Gupta, Member(A) )

Heard the applicant in person. The applicant's case is that he appeared in a selection test for the post of Assistant Law Officer. He along with three others qualified in the written test held on 11.8.1992 and thereafter, he also appeared in the viva-voce test on 15.10.1992. Finally two persons were selected for two vacancies, the applicant's seniority position being the third. The applicant is stated to have submitted an application dated 3.11.1992 to the C.P.O. requesting formation of a third panel on the ground that the second person in the panel would retire on 31.12.1994, before completing 2 years as Assistant Law Officer. This request of the applicant was turned down by an order dt. 16.11.1992. Thereafter, the applicant is stated to have made an application dt. 21.9.1994 to the G.M. requesting formation of a shadow panel for promotion to Assistant Law Office on the ground that after retirement of the second person in the panel, one post

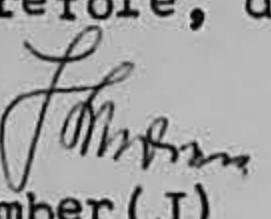
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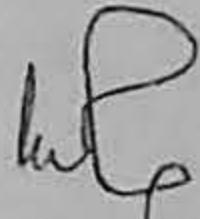
will fall vacant for which a fresh selection would have to be conducted. The applicant's request was also turned down.

2. Based on the above facts, the applicant has sought a relief that a direction to the respondents be given to promote him as Assistant Law Officer.

3. Admittedly, the applicant was not empanelled for the post of Assistant Law Officer. Even a person who is empanelled acquires no right to be appointed to a post even if vacancies exists as has been laid down by the Hon'ble Supreme Court in the leading case of Sankarshan Dash. In this case, the applicant not being empanelled has not acquired any right whatever to be appointed on the post of Assistant Law Officer.

4. The application is totally devoid of merits and is therefore, dismissed in limine.

  
Member (J)

  
Member (A)

(N.U.)