

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 29th day of March 2001.

Original Application no. 534 of 1995.

Hon'ble Mr. S.K.I. Naqvi, Member-J

Hon'ble Maj Gen K.K. Srivastava, Member-A

Alok Kumar Srivastava,
S/o Sri B.C.P. Srivastava,
R/o South of house No. 306, Behind Agarwal Bhawan,
Mohalla Diwan Bazar, Gorakhpur City,
GORAKHPUR.

... Applicant

C/A Sri JM Sinha
Sri A Tripathi

Versus

1. Union of India, through the Chairman,
Staff Selection Commission, Head Quarter's
Office Block No. 12 C.C.O. Complex,
Lodhi Road,
NEW DELHI.

2 The Chairman, Staff Selection Commission,
H. Qrs Office, Block No. 12 CGO Complex
Lodhi Road,
NEW DELHI.

3. The Regional Director, Staff Selection Commission,
(Central Region), 8A-B Beli Road,
ALLAHABAD.

... Respondents

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O R D E R (Oral)

Hon'ble Mr. SKI Naqvi, Member-J.

In response to notification no. 3/13/91- P&P for selection of departmental Accountants/Auditors/ UDCs examination, 1991, the applicant was also one of the candidates with the claim as physically handicapped candidate. After due process and formality, the applicant was finally selected, but could not be posted for want of vacancy ^{in L} of his category (handicapped). Against this position the applicant has come up seeking relief to the effect that the respondents be directed to appoint the applicant and give him due seniority over his juniors in 1991 examination.

2. The respondents have filed the counter affidavit, wherein the selection of the applicant as handicapped candidate has not been disputed. In para 3 (G) it has been averred that "since the applicant is a qualified candidate and after clearance of his dossier was entitled for his nomination against the category of hearing handicapped and as such the applicant will be nominated to the department where vacancy in the grade of Auditor/UDC in hearing handicapped category was reported to the Central Regional Office of the Staff Selection Commission Allahabad." and in para 10 of the counter affidavit the respondents have admitted that "in the absence of the vacancy in the hearing handicapped category, the applicant could not be nominated and his name

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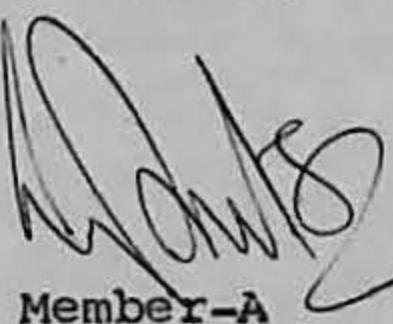
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is still on the panel."

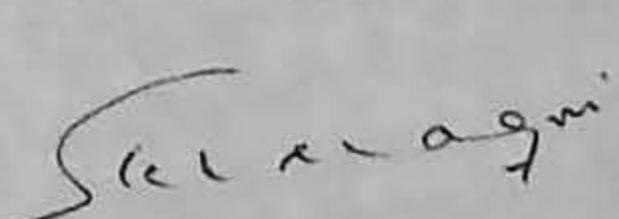
3. Heard the learned counsel for the rival contesting parties and perused the records.

4. In the present mater the controversy is in very narrow campus. It is an admitted fact that the applicant has been finally selected and empanelled for the post of Auditor/UDC under hearing handicapped category, but could not be posted for want of vacancy. It is too much to believe that the candidate selected in 1991 examination could not be accomodated even after a decate time and he ~~has~~^{is being} kept in waiting for the vacancy.

5. With the above position, in view we direct that the vacancy kept unfilled vide order of the Tribunal dated 19.05.1999 be ~~accomodated~~^{utilized} for appointment of the applicant and if the same is not earmarked for hearing handicapped candidate it be so declared with required adjustment, in the OA is disposed of with the above direction. No order as to costs.



Member-A



Member-J

/pc/