

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(b)

Original Application No. 47 of 1995

Allahabad this the 04th day of April, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

1. Neeraj Sharma, son of Shri Shiv Swarup Sharma, resident of 38/18, Kalyan Nagar, Garh Road, Meerut.
2. Naresh Kumar Agrawal, son of Shri Late Rama Nand Agrawal, resident of 29-B, Prahlad Nagar, Meerut.

Applicants

By Advocates Shri H.N. Singh
Shri Ravi Ranjan

Versus

1. Union of India through Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Director, Central Government Health Scheme, Nirman Bhawan, New Delhi.
3. Addl. Director, Central Government Health Scheme 102, Soti Ganj, Meerut.
4. Deputy Director, Central Government Health Service, 102, Soti Ganj, Meerut.

Respondents

By Advocate Shri K.M. Sadhna Srivastava

Q.R.D.E.H. (Oral)
By Hon'ble Mr. M.P. Singh, Member (A)

The applicants are aggrieved by order dated 25.6.1993 passed by the Deputy Director, Central

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Government Health Scheme, Meerut and Order dated 24.6.1993 passed by the Director General of Health Service, respondent no.2.

2. The brief facts of the case are that a selection was made for the post of Chowkidar and Nursing Assistant (Group D posts) in Central Govt. Health Scheme, Meerut. The Deputy Director C.G.H.S. has requested Employment Exchange to sponsor the name of the candidates. The Employment Exchange has sponsored the name of 58 persons including the name of the applicant, on the basis of selection, applicant no.1 was selected for the post of Chowkidar and applicant no.2 was selected for the post of Nursing Assistant. Both the applicants no.1 and 2 were appointed by the order dated 28.12.1992. However, the applicant no.1 joined his duties on 28.12.1992 itself and applicant no.2 joined his duties on 29.12.1992. Thereafter, another order dated 04.2.1993 was issued, in which the applicant no.1 was shown at serial no.8 and name of applicant no.2 was shown at serial no.7 of the seniority list.

3. The applicants apprehending their terminations, filed Writ Petition No. 16843 of 1993 in the High Court of Judicature at Allahabad. The Writ Petition was withdrawn by the applicants on the ground that High Court had no jurisdiction and matter was cognizable by the Central Administrative Tribunal. Thereafter, the respondent no.4 passed an order on 25.6.1993 whereby discontinuing the services of the applicants with immediate effect.

Being aggrieved by the impugned order, the applicants preferred the representations on 26.6.1993. The representation in respect of applicant no.1 was rejected on 09.7.1994 on technical ground that the same is unsigned. Hence, the applicants have filed this C.A. seeking directions to quash the impugned order dated 25.6.1993 passed by Deputy Director General and order dated 24.6.1993 passed by Director, Health Services respondent no.2. They have also sought direction to the respondents to permit them to join their duties and their salary be paid regularly.

4. The respondents in their reply have stated that in order to fill up some Group 'B' posts including the post of Chowkidar in the Office of Deputy Director, C.G.H.S., Meerut, a requisition was sent to Employment Exchange. In response to the requisition, the Employment Exchange sponsored 58 names for the post of Chowkidar and 20 names for the post of Nursing Assistant, Orderly. The applicants and two other candidates were selected and appointed on ad hoc basis. A complaint was received against them on 30.1.1993 in the Office of respondent no.2 pointing out various irregularities in the appointment of these applicants. On the basis of complaint, a Committee consisting of some officers of Office of respondent no.2, was constituted. The matter was investigated and report was submitted by the Committee, pointing out the following irregularities ;

(i) All the candidates sponsored by the

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Employment Exchange were not called for interview.

(ii) A Member of the Selection Committee was the real brother of candidate who was selected and appointed.

(iii) Recruitment Rules and Recruitment Koster were not followed.

since the irregularity was of serious nature and the composition of the Selection Committee was made against the rules and instructions/procedures laid down by the Govt., it was decided that the selection/appointment of the candidates including the applicant, be discontinued. The Chairman of the Selection Committee, who was the Head of the Office of the Central Govt. Health Scheme, Meerut and was also the appointing authority, was transferred out of Meerut. The other two candidates selected by the same Selection Committee, filed C.A. No.2300 of 1993 before the Central Administrative Tribunal, Principal Bench, New Delhi, which was dismissed. It is also stated by the respondents that another irregularity committed by the appointing authority was to include the name of the applicant, who was ad hoc appointee, in the list of regular employees. Presumably it was done just to strengthen the case of the applicant and to give him undue favour.

5. In view of the facts mentioned by the respondents that certain irregularities were committed while making selection of the candidates, the action taken by the respondents in setting aside the appointment of the applicants, is justified. The applicants

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were not appointed on regular basis, therefore, the procedure prescribed by the Government for termination of service by holding an inquiry, was also not required. There is no discrimination in terminating the services of all the 4 candidates appointed/selected by the same Selection Committee. In view of the facts, we do not find any merits in the submissions made by the applicants in the U.A. In the result, the U.A. fails and is dismissed accordingly. There will be no order as to costs.


Member (A)


Member (J)

/M.M./,