

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 924 of 1995

Allahabad this the 09th day of May 2002

Hon'ble Mr.C.S. Chadha, Member (A)  
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Surendra Singh Sisodia, aged about 32 years,  
Son of Shri Ram Rattan Singh, resident of  
128/253, Y-1 Block, Kidwai Nagar, Kanpur.

Applicant

By Advocate Shri M.K. Upadhyay

Versus

1. Union of India through the Secretary,  
Department of Defence Production & Supplies,  
South Block, New Delhi.
2. Director General of Quality Assurance,  
Director General of Quality Assurance,  
Department of Defence Production & Supplies,  
Ministry of Defence, Government of India,  
D.H.Q., P.O., New Delhi.
3. Controller, Controllerate of Quality  
Assurance (Textile & Clothing), Post Box  
No.294, Kanpur.

Respondents

By Advocate Shri Ashok Mohiley

O R D E R ( Oral )

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

The case of the applicant is that  
vide annexure A-8 dated 19.07.91 the applicant

...pg.2/-

*Chadha*

was informed that although he was on the select list he could not be recruited because there was a ban on the recruitment. He, therefore, awaited any further orders that may be issued so that he can get his due appointment. He was averred in the O.A. that he was surprised to find in the Employment News of 11.03.1995 that three vacancies for the same post were advertised for direct recruitment, two from the general category and one from the S.T. category. In view of the fact that he was denied promotion, even being on the select panel, on the ground that there was no vacancy, such an advertisement should not have been issued. Learned counsel for the applicant has also drawn our attention to the submissions made in the counter-affidavit according to which there were 46 vacancies in the general category when the first selection was made and only 37 persons joined. He thereby inferred that 9 vacancies in the general quota existed when he was told that there was no vacancy. Be that as it may, he was surprised that on the one hand in April, 1995 vide annexure S.R.A.-1 he was informed that there was still a ban on the recruitment and on the other hand in March, 1995, three vacancies were advertised, in one month before he was informed that the ban still operated.

2. Learned counsel for the respondents states that the ban still operates and the three vacancies which arose were for the posts arising after 01.01.94. We are unable to understand this logic. The only question is whether there were any vacancies unfilled when the applicant was still...pg.?

*B. K. S.*

waiting for one such post, having already been found fit for the same. We are not convinced by the argument that the ban operated on the one hand and an advertisement was being issued on the other for filling the same post. If those three vacancies had to be filled, one of them should have been offered to the applicant, a person already selected and on the waiting list. No logical reason could be given by the learned counsel for the respondents why one of the two posts, of general category advertised in the Employment News, could not be offered to the applicant.

3. In the circumstances, we feel that a wrong ground has been given for not appointing the applicant merely saying that there was no vacancy when two vacancies in the general category ~~xxx~~ were advertised. We notice that vide an interim order dated 18.09.1995 this Tribunal kept one post vacant for the applicant. Since no other claimant has come forward to claim that post and since the applicant was found fit and kept on the waiting list, the respondents are directed to appoint him on the said post from the date the three vacancies were supposed to be filled as per advertisement in March, 1995 i.e. one post kept vacant for him should be filled by him and ~~an~~ none other. He shall also be entitled to consequential benefits of pay and seniority. The O.A. stands disposed of accordingly. No order as to costs.

*[Signature]*  
Member(J)

*[Signature]*  
Member(A)