

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 46 of 1999

Dated : This the 08th day of January, 2004

HON'BLE MR. V.K.MAJOTRA, VICE-CHAIRMAN

HON'BLE MR. A.K.BHATNAGAR, MEMBER-J

Arun Kumar Srivastava aged about 27 years son of Shri
V.N.Srivastava, R/o L.I.G.-L-7, Dabauli-II P.O.Udyog Nagar,
Kanpur -208022.

...Applicant.

By Advocate : S/Shri V.Bahadur and K.P.Singh.

Versus

1. Union of India, through the Labour Secretary, Ministry of Labour, Shram Shakti Bhawan, 2&4, Rafi Marg, New Delhi-110 001.
2. The Director of Apprenticeship Training, D.G.E.&T.Shram Shakti Bhawan, 2&4, Rafi Marg, New Delhi 11001.
3. The Regional Director, Regional Directorate of Apprenticeship Training, Udyog Nagar, Kanpur-208022.
4. The Principal, Model Industrial Training Institute (I.T.I. Campus)Jodhpur(Rajasthan).
5. Dharam Nath Sharma, Vocational Instructor(Welding) I.T.I. Campus(M.I.T.I.) Jodhpur, Rajasthan.
6. Pramod Chandra S/o late Sri Harish Chandra Posted as Regional Director, Regional Directorate of Apprenticeship Training, Udyog Nagar. Kanpur.

....Respondents.

By Advocate : Km.S.Srivastava.

O R D E R

By Hon'ble Mr. A.K.Bhatnagar, Member J

None present on behalf of the applicant. None had appeared for him even on the previous hearing. We have proceeded to consider this case in terms of Rule 15(1) of C.A.T. Procedure Rules 1987 by taking into consideration the respective pleadings of parties and hearing of Km. S.Srivastava, learned counsel of the respondents.

2. By this O.A., filed under section 19 Administrative Tribunals Act 1985, 1985, the applicant has sought following relief(s):-

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"(i) issue a direction/order commanding the respondents to declare the result of applicant for the post of Vocational Instructor(Welding) unreserved for which the applicant had appeared in the test held in 21st & 22nd June, 1998.

(ii) issue a direction/order directing the respondents to give the appointment to the applicant if the applicant has passed the said test.

(iii) Issue order or direction calling for the records and orders of alleged cancellation of selection of selection held on 22nd and 23 June 1998 and quashing the order of cancellation.

(iv) Calling for the records regarding the revision of roster pertaining to post of vocational Instructor (Welding) and declaring it as reserved post and quash the same.

(v) Issue order or direction in the nature of certiorari calling for the records and quashing the alleged selection of respondent no.5.

(vi) Issue an order/direction which this Tribunal may deem fit and proper in the circumstances of the case. "

(vii) Award the costs."

2. The brief facts of the case are that the applicant applied for the post of Vocational Instructor(Welding) under the purview of reservation quota. The aforesaid posts was published in Employment News dated 17-23.01.1998 issued by the Regional Director R.D.A.T., Kanpur. He appeared in the written and practical test and was also called for interview. It is claimed that the applicant had done well in the said test i.e. written, practical and interview and was fully hopeful about his success in the said examination. But the result was not pronounced and surprisingly respondent no.3 issued an other notification for selection on the post of Vocational Instructor(Welding) which was published in Employment News dated 31-06.11.1998 and the post was reserved for OBC. The applicant having come to know about this new advertisement, ^{he} sent representation dated 12.1.1999 and 18.1.1999 to respondent no.3 for declaration of the result of the earlier examination held on 21/22.06.1998.

When no action was taken by the respondents, ~~aggravated~~
~~by this~~ the applicant filed this O.A. The applicant has
 taken stand that he appeared in the test in pursuance of the
 notification of the respondents and as such valuable
 rights accrued to him and his said right could not be
 taken away without communicating him the reasons for not
 declaring the result. As such the action of the respondents
 is arbitrary and violative of principles of natural
 justice.

3. The grievance of the applicant is that he
 appeared in the selection test for the post of Vocational
 Instructor(Welding) and he did well in the said test,
 which was unreserved. ~~Instead~~ of declaring the result
 of the said examination the respondents surprisingly
 issued a fresh notification for selection on the said post
 making it reserved for O.B.C.

4. Resisting the claim of the applicant the respondents
 counsel has filed counter affidavit. Rejoinder affidavit
 has also been filed by the applicant's counsel reiterating
 the facts stated in the O.A.

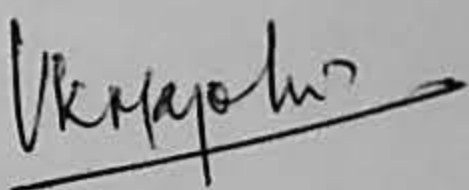
5. We have heard counsel for the respondents and
 perused the pleadings available on record.

6. Learned counsel for the respondents invited our
 attention on para 3 of the Counter Affidavit. and submitted
 that according to the new Roster, the reservation position
 for direct post Vocational Instructor (Welding) was O.B.C.
 Therefore, the selection was cancelled and the result
 of the same was not declared. The requisition was sent to the
 Central Employment Exchange, New Delhi for open advertisement
 again and the procedure was re-initiated on 1st and 2nd
 February, 1999 as per revised reservation. The selection
 was made on 02.02.1999 accordingly.

7. Having heard the learned counsel for the respondents and after perusal of Annexure-A to the C.A., which is D.O.P.T., New Delhi's letter dated 02.07.1997 communicating therein the new guidelines as per Hon'ble Supreme Court's order, we are of the view that applicant has not^{been}/able to make out any case for consideration by this Tribunal. The O.A. is liable to be dismissed being devoid of merits.

8. Accordingly the O.A. is dismissed being devoid of merits with no order as to costs.


Member J


Vice-Chairman
8.1.2007

Brijesh/-