

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF AUGUST, 2000

Original Application No.70 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

1. Kamta Prasad, son of Ram Prasad
R/o H.No.46/733-A Ram Nagar
P.O.Jagdishpura, Agra.
2. Satish Chand, son of Shummeri
C/o Ranvir Singh, H.No.5/159
Bhogipura, Shahganj, Agra.

... Applicants

(By Adv: Shri R.C.Pathak)

Versus

1. Union of India through Principal Secretary
Ministry of Defence, Government of
India, new Delhi.
2. Commandant, 509 Army Base Workshop
Agra.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R (Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

This application has been filed seeking direction to the respondents to permit the applicants to join on their respective trades and to give all consequential benefits. It is not disputed that in a Special Recruitment Drive for selecting candidates from Reserve Category of SC/ST, applicants were selected for appointment in the year 1993. The letter of employment dated 29.1.1994 was also issued to the applicant by which they were required to report to join duties on 9.2.1994 alongwith original testimonials and other documents. However, applicants were not appointed for considerable time. Aggrieved by it they filed this application.



Counter affidavit has been filed stating that the appointments could not be given to applicants on account of the Ban imposed by the Government. Shri Pathak, however, has brought to our notice Office Memo 36027/67/95-Estt(res), Dated 12.3.1996 which provides as under:-

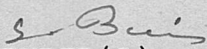
"It is once again brought to the notice of all Ministries that the ban on creation of posts/ filling up of vacancies imposed vide Department of Expenditures O.M.No.7(7)-E.(COORD)/93 dated 3.5.1993 are not applicable to posts reserved for SC/ST vacant for one year or more to the extent necessary for maintaining the reservation quota, taking into account filled up general quota posts."


In our opinion, the Ban imposed by letter of 1993 will not be applicable in such a special drive^{of recruitment of SC/ST}. Shri Pathak also placed before us the letters dated 21.4.2000 issued to both the applicant^s separately asking them to express their willingness certificate for the above post^s on the basis of selection of 1993. Shri Pathak has submitted that willingness certificate has already been submitted. However, the appointment order has not yet been given.

Shri Amit Sthalekar submitted that from the letter dated 21.4.2000 it appears that the process of appointment is in progress and the appointment letters may come very soon and this application^{has been} rendered infructuous. We have considered the submissions of the learned counsel for the parties. From the letter^s dated 21.4.2000 it appears that the respondents are intending to appoint applicants on the basis of their selection of 1993. In the circumstances, no direction is required to be given. However, considering the delay involved, we dispose of this application with the direction to the respondent no.2, Commandant, 509 Army Base Workshop, Agra to take a decision at the earliest preferably

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within a month from the date a copy of this order is filed before him, so that the applicant^u may not face further uncertainty in the career. There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: August 4th, 2000

Uv/