

Shri Manharsinh Shivubha Rathod,
A.G.Society,
Block No.86,
Kalavad Road,
Rajkot.

: Applicant

Versus

Accountant General,
Ahmedabad.

Accountant General(A & E)
Rajkot.

: Respondents

Coram : Hon'ble Mr. P.M.Joshi

: Judicial Member

Hon'ble Mr. D.K.Chakravorty : Administrative Member

ORAL ORDER

2/5/1989

Per: Hon'ble Mr. P.M. Joshi

: Judicial Member

The petitioner Shri Manharsinh Shivubha Rathod of Rajkot has filed this application under Section 19 of the Administrative Tribunals Act, 1985. He has prayed that the respondents i.e. Accountant General, & Others, (Ahmedabad) be directed to regularise the services for the post of Peon in the office of the Respondent No.2 and grant him all other consequential benefits. According to him, he has worked during the following periods:

" From 21.6.1979 to 30.9. 1979	76 days
From 20.5.1980 to 31.10.1980	116 days
From 01.1.1982 to 19.12.1982	112 days
From to	75 days "

It is alleged that he was invited for the selection in response to his application of 17/7/1987 for the post of of Peon in the AG office, Rajkot but he has not been informed about the result thereof. He further alleged that there was no fair selection as ^{and} no marks were allotted, ^{and} no standard or guideline ^{was} fixed for the purpose.

The respondents have opposed the admission of the application filed by the petitioner vide their counter dated 5/9/1988 and additional reply dated 9/12/1988. According to them^{for}_^ the vacancies in various categories in cadre of Group-D viz. Peons, Sweepers, Farash, interviews were conducted on different dates of the candidates sponsored by the local employment exchange office and of the candidates working or had worked in the office of the opponent No.2 as daily wage workers by the Selection Committee appointed by the Accountant General (Accounts and Entitlement), Rajkot. It is further submitted that the applicant had applied for the post of peon and he was interviewed along with the other candidates. However, he has not been selected for regular appointment for the post of Peon. ^{They have}~~Having~~ denied the allegation of the petitioner that no marks were allotted or no standard or guideline was fixed for the conduct of the selection by the committee as alleged. According to them the said selection is based on performance and personality at the interview^{es}.

When the matter came up for admission, we have heard Mr.B.B.Gogia and Mr.Y.M.Thakkar for Mr.J.D.Ajmera, the learned counsel for the petitioner and the respondent respectively. We have also perused the materials placed on record and the instructions contained in the letter dated 15/4/1987. It is true as per the instructions laid down in the said letter ^athe casual worker ^{who has put in 2 years of service or more during each year} ~~were~~ worked for 206 days ^{and} is considered eligible for appointment along with other candidates sponsored by the Employment Exchange in accordance with the procedure followed for recruitment in the Govt. of India. It is pertinent to note that apart from the

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allegations of the petitioner that the respondent had no~~g~~ guidelines fixed for the conduct of the selection, The petitioner has not ~~pray~~^{in respect of} for any relief ~~for~~^{such} selection which was undertaken by the respondent. Even apart from it, there is hardly any merits ~~in~~ substance in the allegations made by the petitioner in this regard. The petitioner's assumption ~~is~~^{more than} that since he had worked for 206 days, he is entitled to absorption, seems to be misconceived. The petitioner was invited at the selection, he was interviewed and he was found unsuitable and accordingly he cannot have any grievance against ~~his~~^{the impugned} action of the respondent. The application is devoid of merits and, accordingly, the same is rejected at the stage of admission.

D.K. Chakravorty
(D.K. Chakravorty)
Administrative Member

P.M. Joshi
(P.M. Joshi)
Judicial Member

a.a.bhatt