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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

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ORIGINAL APPLICATION NO. 40 OF 1995
Cuttack, this the 18th day of October, 2000

Pravati Rout

Applicant

Vrs.

Union of India and another Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

18.10.2000

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 40 OF 1995
Cuttack, this the 18th day of October, 2000

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

Pravati Rout, aged about 24 years,
daughter of Maheswar Rout of village Padmapur,
P.O-Saragan, Via-Sunhar, Dist.Balasore....Applicant

Advocates for applicant - M/s Pradipta
Mohanty
D.N.Mohapatra

Vrs.

1. Union of India, represented by the Scientific Advisor to Ministry of Defence and Director General, Research & Development, Government of India, Ministry of Defence, D.R.D.O."B" Wing, Sena Bhavan, D.H.O.P.O-New Delhi-110 011.
2. Commandant, Proof & Experimental Establishment, Chandipur, Balasore, Dist.Balasore-756 025
..... Respondents

Advocate for respondents - Mr.A.K.Bose
Sr.C.G.S.C.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application the petitioner has prayed for quashing the order dated 8.2.1994 at Annexure-5 and the order dated 22.9.1994 at Annexure-6. She has also prayed for a direction to the respondents to give appointment to her in the post of Tradesman-C within a specific time. The respondents have filed counter opposing the prayers of the applicant, and the petitioner has filed rejoinder. For the purpose of considering this petition it is not necessary to record all the averments made by the parties in their pleadings.

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2. The undisputed facts of the case can be briefly stated. Commandant, Proof & Experimental Establishment, Chandipur, Balasore (respondent no.2) advertised for filling up two unreserved posts of Tradesman-C in June 1991. The petitioner who has passed +2 Arts and has also acquired ITI qualification in General Electronics and has the requisite qualification for appointment to the post and had also registered her name in the Employment Exchange, applied for the post. The Selection Committee selected two candidates for the post and recommended two persons as standby candidates. The applicant's name was enlisted as standby candidate no.2. In November 1991 the petitioner was informed at Annexure-2 that her case is being considered for appointment as Tradesman-c on the basis of interview held on 26.7.1991 and she was asked to complete the necessary documentation for which papers were supplied to her. Even though the petitioner completed the necessary documentation, no appointment order was received by her. In February 1994 in order at Annexure-5 she was informed that in view of the existing ban on recruitment, the offer of appointment has not been issued to her. Again in the order at Annexure-6 issued in September 1994 she was informed that her selection for the post of Tradesman-C has been cancelled due to administrative reason. In view of the above the applicant has come up with the prayers referred to earlier.

3. The respondents in their counter have stated that Chief Controller, Research & Development, in his letter dated 3.7.1991 addressed to respondent no.2 directed to hold in abeyance all vacant posts falling

under direct recruitment quota till finalisation of manpower review report of the establishment under respondent no.2. The respondents have stated that the above restriction on direct recruitment of unreserved candidates has been continuing till date and in the meantime under Government orders 10% of the posts of industrial staff has been reduced from the authorised strength and 9 posts of Tradesman-C of direct recruitment quota have been withdrawn. In view of the above, the selection of the applicant as a standby candidate was cancelled. The respondents have further stated that for 1991 in the grade of Tradesman-C appointments have been made only in respect of candidates belonging to reserved categories and from 1991 till date no unreserved candidate has been recruited in the grades of Tradesman-C and E.

4. We have heard Shri Pradipta Mohanty, the learned counsel for the petitioner and Shri A.K.Bose, the learned Senior Standing Counsel for the respondents and have also perused the records. At our instance, the respondents have filed an affidavit stating that the entire selection held in July 1991 has been cancelled and none of the candidates in the main list or in the standby list including the applicant has been given appointment.

5. From the above facts it is clear that the applicant did appear at a selection test in which she was empanelled as a waitlisted candidate. Thereafter because of reduction of posts and there being no scope for giving appointment to the two selected candidates, the entire selection was cancelled. Reduction of 10% of posts of industrial staff is a policy decision of Government and this cannot be questioned before the Tribunal nor has the

applicant done so. Law is well settled that merely by being placed in the waiting list or standby list as mentioned here, a person does not acquire any right to get appointment to a post. As the post has been abolished and from 1991 no unreserved category candidate has been appointed as direct recruit in the post of Tradesman-C the applicant cannot claim that she should be given appointment to the post of Tradesman-C when there is no such post for unreserved direct recruit candidate.

6. In consideration of all the above, we hold that the application is without any merit and the same is rejected. No costs.

(G.NARASIMHAM)

MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
18.10.2000
VICE-CHAIRMAN

18th October, 2000/AN/PS