

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. 32 of 1996

Present : Hon'ble Mr. Justice A.K.Chatterjee, Vice-Chairman
Hon'ble Mr. M. S. Mukherjee, Member (A)

PRADIP KR. ROY & ORS

VS

UNION OF INDIA & ORS

For the petitioners : Mr. C.R.Bag, counsel
Mr. K. Chakraborty, counsel

For the respondents : Ms. Uma Sanyal, counsel

Heard on : 13.5.96 : Order on : 17.5.96

O R D E R

M.S.Mukherjee, A.M.:

This is a joint application by 3 petitioners under section 19 of the Administrative Tribunals Act, 1985 in which the petitioners are aggrieved that despite their being selected and empanelled for appointment against Group D posts under 5 FOD C/o 99 APO, they have not been given any job on the ground that there is an alleged ban on recruitment.

2. The petitioners belong to SC community. As a result of social recruitment drive for SC/ST categories undertaken in 1990, a requisition had been sent to the local employment exchange for sponsoring suitable candidates for the posts of Mazdoor/Messenger/Safaiwalla/Fireman, Gr.II. The petitioners' name were sponsored by the employment exchange amongst others and they were eventually interviewed by the respondents. On the basis of such interview, the petitioners and others were selected and empanelled for appointment against aforesaid Group D posts under the special recruitment drive for SC/ST for 1990.

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3. It is the grievance of the petitioners that despite this, they have not been given any appointment. They made representations in September 1992 seeking early appointment but nothing tangible followed thereafter. Eventually, the office of Director General, Ordnance Services, Army Headquarters, New Delhi in a letter dt. 1.12.93 communicated to petitioner No. 1 has intimated that due to ban on recruitment imposed by the Govt. of India, no appointment could be given. However, once the ban is lifted by the Govt. appointment letters will be released in favour of the candidaes.

4. In filing this petition, the petitioners have prayed for issuing a direction on the respondents to give them suitable appointment early.

4. The respondents have stated their version by filing a written reply in which they have averred that special recruitment drive for SC/ST had taken place in 1990 for the following posts:

Mazdoor	SC	6
do	ST	2
Messenger	SC	1
Safaiwala	SC	1
Fireman, Gr.II	SC	1
do	ST	1

It is also stated that out of the names sponsored by the local employment exchange, Siliguri, after interview, the selection board prepared a panel of 12 names as indicated in the petition itself and the names of the petitioners were also included in the said panel. But no appointment order could be issued to any candidate because of the ban imposed by the Govt. on fresh recruitment. The respondents' contention is that offer of appointment would be issued to the selected candidates against the aforesaid vacancies only after the sanction for the same is obtained from the Army Headquarters. They have also stated that they have already taken up the matter with the higher authorities to obtain necessary sanction for recruitment of the selected candidates.




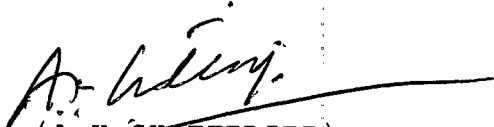
5. We have heard the learned counsel for the parties and gave gone through the documents produced. In view of urgency of the matter, we propose to dispose of the case at the admission stage itself.

6. There is no dispute regarding the petitioners' names figuring in the panel for appointment as Group D staff against SC/ST quota under special recruitment drive undertaken in 1990. However, because of the ban on filling up vacancies, no appointment could be given to the selected candidates including the petitioners. The respondents have even stated that they have been pressing the higher authorities for obtaining release orders for appointment and that "it is presumed that Govt. is likely to release/sanction these vacancies shortly."

7. In view of the above and in the context of the position indicated by the respondents, we dispose of this petition with the order that as and when the ban against filling up of vacancies is lifted by the Govt. the respondents shall issue appropriate appointment orders in favour of the petitioners and others from out of the panel strictly in terms of seniority keeping in view the particular requirement of the candidates as SC/ST for the respective posts. The petitiones shall not, however, be disqualified if meanwhile they become overaged.

There will be no costs.


(M.S. MUKHERJEE)
MEMBER(A)
17.5.96


(A.K. CHATTERJEE)
VICE CHAIRMAN
17.5.96