

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 852 of 1996

Date of order : 14.9.04

Present : Hon'ble Mr.D.C.Verma, Vice-Chairman
Hon'ble Mr.Sarweshwar Jha, Administrative Member

BAIKUNTH MAHATO & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.B.Chatterjee, counsel

For the respondents: Mr.P.K.Arora, counsel

O R D E R

Sarweshwar Jha, A.M.

Heard Mr.B.Chatterjee, 1d.counsel appearing for the applicants and Mr.P.K.Arora, 1d.counsel appearing for the respondents.

2. This OA has been filed against the order of the respondents dated 22.5.96 in which the names of the two applicants, who had appeared at the Trade Test for appointment to the post of Khalasi Helper in the scale of Rs.800-1150/-, have not appeared.

3. The applicants were put to Trade Test for appointment to the post of Khalasi Helper vide the memorandum of the respondents dated 24.4.96 (Annexure A/4), in which their names appeared at Sl.No.7 & 8. However, in the interse seniority of the Khalasis & Chowkidars prepared by the respondents, and a copy of which is placed at Annexure R/4, the names of the applicants appear at Sl.No.29 & 30. The grievance of the applicants is that while having ^{been} put to Trade Test together with others, in the matter of appointment they were denied the same when appointment, based on Trade Test were given to others vide the order of the respondents dated 22.5.96 (Annexure A/5).

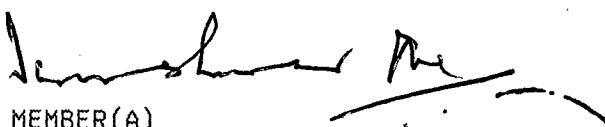
4. The respondents have submitted that the names of the applicants as mentioned above figured in the seniority list only later than the last person, i.e., Suresh Prasad Yadav, figuring in the list of appointees in their order dated 22.5.96. In fact, as submitted by the respondents, some persons senior to the applicants could not be appointed together with others in the said order of the respondents, as the requisite number of vacancies were not available for them in

S. M.

May 1996. Resultantly, as the vacancies became available, the remaining persons, who had been put to Trade Test earlier, were appointed to the post of Khalasi Helper in the scale of Rs.800-1150/- vide their Office Order dated 26.9.96 (Annexure R/7)

5. On a closer examination of the facts and submission of both the counsel, it is found that the applicants were put to Trade Test for their promotion/appointment to the post of Khalasi Helper in the scale of Rs.800-1150/- together with other candidates and while some of them, depending on their seniority, were appointed to the said post, in May 1996, the applicants could be appointed to the said post, only later vide their order dated 26.9.96, when the appropriate number of vacancies became available to the respondents. We thus do not find any infirmity in the action of the respondents.

6. In consideration of the facts and circumstances of the case as brought out in this Original Application, we are, therefore, of the considered opinion that this application has no merit and, therefore, it has to fail. Accordingly, it stands dismissed. No order as to costs.


MEMBER(A)

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VICE-CHAIRMAN