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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

DATE OF ORDER : 08.12.1998.

O.A.NO. 437/1995.

Moola Ram S/o Shri Poona Ram, aged about 30 years, R/o Village and P.O. Guda Visnoiyan Dist. Jodhpur, at present employed on the post of Lascar MR No. 2409/87 in 32 Wing A.F. C/o 56 A.P.O.

..... Applicant.

V E R S U S

1. Union of India through Secretary to Government of India, Ministry of Defence, Vayu Bhawan, Delhi.
2. Air Officer Commanding-in-Chief, Headquarters South Western Air Command, Ratanada, Jodhpur.
3. The Commanding Officer, Headquarters, South Western Air Command (Unit), Air Force, Ratanada, Jodhpur.
4. Flt.Lt.J.S.Badhwar (19484) LGS, Presiding Officer, Headquarters SWAC. (AF) C/o 56 A.P.O.

..... Respondents.

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CORAM

HONOURABLE MR. A.K.MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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For the Applicant Mr. J.K.Kaushik

For the Respondents Mr. Vineet Mathur

.....

O R D E R

PER MR. A.K.MISRA :

The applicant has filed this O.A. against the respondents with the prayer that they may be directed to prepare separate panel for the post of ASK based on the result of the examination conducted on 28.9.1995 and

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make ~~appoint~~ment according to the merits and allow all consequential benefits. The applicant had also prayed for interim relief asking the respondents be restrained from making any appointment on the basis of combined panel to the post of ASK till finalisation of the case.

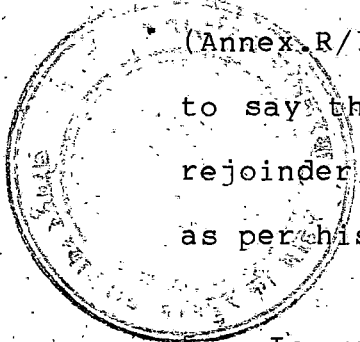
2. After hearing the learned counsel for the applicant it was ordered that any appointment made to the post of ASK consequent to the selection held in pursuance of the order dated 4.8.1995 (Annex.A/1) shall be treated provisional subject to the final decision of the O.A. This may specifically be mentioned in the appointment order. Notices of O.A. were also ordered to be issued.

3. The respondents filed their reply ~~in reply~~ to the notice in which it is stated by them that the respondents have prepared two separate lists of successful candidates for the post of ASK and LDC. The apprehension of the applicant that to manipulate appointment of favoured candidates, the Department has prepared a combined merit list, is ill-founded and baseless. The respondents have also stated in their reply that as per two separate merit lists the applicant is shown at No. 3 in the merit list for selection of ASK and at No. 4 in the merit list for selection as LDC. It is further contended by the respondents, that vide letter dated 6.11.1995 (Annex.R/1/3), the Wing Commander, Commanding Officer of HQ SWAC (U), Air Force, Jodhpur has observed that none of the candidates have been found suitable for any of the post. In view of this, the O.A. is not maintainable and is liable to be dismissed.

4. We have heard the learned counsel for the parties:

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and gone through the facts of the case. The apprehension of the applicant is that the Department is preparing a combined list for filling in the posts of ASK and LDC in order to give advantage to some favoured candidates, is in our opinion ill-founded and baseless. The Department had prepared two separate merit lists, one for the post of ASK and another for the post of LDC, which are Annex. R/1/1 and Annex.R/1/2. The information of the applicant as described in the Application that he is at No. 1 in the merit list of ASK as described by him in his rejoinder also seems to be not correct. Since the Department has prepared two separate merit lists for two separate branches, the case of the applicant does not survive. Moreover, the Wing Commander, vide his letter dated 6.11.1995 has held that none of the candidates have been found suitable for any of the post and no vacancy as notified, was filled-in by any of the successful candidates, therefore also, the claim of the applicant does not survive. The applicant has not prayed for quashing the order dated 6.11.1995 (Annex.R/1/3), therefore, the applicant cannot be heard to say that as per the comparative chart given in the rejoinder, the applicant is fit to be appointed as ASK as per his merit position.



5. In our opinion, the O.A. bears no merit and is liable to be dismissed and is hereby dismissed. The parties are left to bear their own costs.

Gopal Singh

(GOPAL SINGH)
Administrative Member

A.K. Misra

(A.K. MISRA)
Judicial Member

Receipt

J. Stearns
14.12.98

Ve
15/12/98

Copy of order
sent to counsel for
resp by Regd AD

Vide N. _____

alt. _____

15/12/98

Part II and III destroyed
in my presence on 7.4.06
under the supervision of
section officer _____ as per
order dated 28/2/2006

Section Officer (Record)