

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. : 196/1997

Date of Order : 18.02.1999.

1. Bhagat Ram s/o Late Mahunga Ram aged about 52 years at present employed on the post of UDC in the office of Indira Gandhi Nehar Project, Bikaner.
2. Het Ram s/o Shri Jesi Ran Ojha aged about 51 years at present employed on the post of UDC in the office of Indira Gandhi Nehar Project, Bikaner.
3. Tara Chand Gupta s/o Shri Laxmi Chand aged about 52 years at present employed on the post of UDC in the office of Indira Gandhi Nehar Project, Bikaner.
4. Babulal Sharma s/o Shri Ghazi Lal Sharma aged about 50 years at present employed on the post of UDC at Bisalpur Branch, Indira Gandhi Nahar Project, Bajju, Bikaner.

..Applicants.

versus

1. The Union of India through the Controller and Auditor General, Bahadur Shah Zaffar Road, New Delhi.
2. The Accountant General, Rajasthan, Jaipur.
3. The Secretary, Finance Department, Government of Rajasthan, Secretariat, Jaipur.

..Respondents.

Mr. J.K. Kaushik, counsel for the applicants.

Mr. K.S. Nahar, counsel for the respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. GOPAL SINGH :

Applicants, Bhagat Ram, Het Ram, Tara Chand and Babulal Sharma have filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 13.9.1996 at Annexure A/1 and order dated 12.11.1996 at Annexure A/2 and for issuing a direction to the respondents to consider the case of the applicants for appointment to the post of Divisional Accountant on deputation

Gopal Singh

basis.

2. Applicants' case is that they are presently employed as UDC in the Indira Gandhi Nahar Project and their names were forwarded by the Finance Department of the Government of Rajasthan to the respondent No. 2 for consideration of their cases for appointment to the post of Divisional Accountant. They have, however, been informed by the office of the Accountant General, Rajasthan, Jaipur that their names were not included in the list of candidates forwarded by the Finance Department of the State Government to the Accountant General for consideration of their cases for appointment to the post of Divisional Accountant vide their letter dated 13.9.1996 and 12.11.1996 at Annexure A/1 and A/2 respectively. In support of their contention, the applicants have placed at Annexure A/6, a letter dated 18.8.1994 from the Finance Department of the State Government addressed to the Accountant General, Rajasthan wherein the names of the applicants were forwarded to the Accountant General. Feeling aggrieved by the non consideration of their cases by the Accountant General (Respondent No. 2) they have filed the present OA.

3. Notices were issued to the respondents and they have filed their reply. Learned counsel for the respondents has also produced before us a letter dated 07.10.1994 from the Finance Department of the State Government addressed to the Accountant General, Rajasthan wherein names of 50 UDCs of Major Engineering Departments/Projects were sent to the Accountant General for consideration for their appointment to the post of Divisional Accountant. This list does not include the names of the applicants.

4. We have heard the learned counsel for the parties and perused the record of the case. It is seen from the letter dated 18.8.1994 (Annexure A/6) that the Finance Department had sent names of 37 candidates (including the applicants) of the Indira Gandhi Nahar Project to the Accountant General. Since this list did not include the names of candidates belonging to other Engineering Departments, it appears that a list of candidates from all the Engineering Departments in equal proportion was called from the Finance Department and in response, the Finance

L. J. Patel

Department sent a list of 50 candidates from all Engineering Departments/Projects in equal proportion vide their letter dated 7.10.94 to the Accountant General for consideration of their cases for appointment to the post of Divisional Accountant. This letter dated 7.10.1994 was also shown to the learned counsel for the applicants and he did not contest the same. Thereafter, the Accountant General selected the candidates from amongst the candidates sponsored by the State Government vide their letter dated 07.10.1994, for appointment to the post of Divisional Accountant.

5. We see no irregularity in the process of considering the cases of the candidates sponsored by the Finance Department of the State Government to the Accountant General for appointment to the post of Divisional Accountant and, therefore, it does not call for any interference. The application is devoid of any merit and deserves to be dismissed.

6. The OA is accordingly dismissed. Parties are left to bear their own costs.

(Signature)
(GOPAL SINGH)

MEMBER (A)

8 Nov 18/11/99
(A.K. MISRA)

MEMBER (J)

Received ^{on}
On 5/1/99

R/Copy
on 8/15/99
SFAD

Part II and III destroyed
in my presence on 27/6/99
under the supervision of
section officer () as per
order dated 16/7/99

Section officer (Record)