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**Central Administrative Tribunal
Jodhpur Bench, Jodhpur**

Original Application No. 287/2003
Date of Decision : This the 12 th day of October, 2004.

Hon'ble Mr. G.R. Patwardhan, Administrative Member

1. Rajasthan Area MES Workers Union, Sriganganagar through its Secretary Shri Rakesh Kumar S/o Sh. Nihal Chand Aged 41 years, Pipe Fitter in the Office of Garrison Engineer, Sriganganagar R/o 179/1 MES Key Person Quarters, Sriganganagar/
2. Deepak Meena S/o Shri Kishan Lal aged 20 years, R/o MES Key Persons Quarters, Sriganganagar.

.....Applicants.

[By Mr. Vijay Mehta, Advocate for applicants]

Versus



1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Chief Engineer, Bathinda Zone, MES, Bathinda.
3. Commander Works Engineer (Project), Bathinda.
4. Commander Works Engineer, MES, Sriganganagar.

.....Respondents.

[By Mr. S.K.Vyas, Advocate, for the respondents]

**ORDER
[BY THE COURT]**

This application has been filed by Rajasthan Area MES Workers Union, Sriganganagar through its Secretary and Deepak Meena S/o Shri Kishan Lal against the Union of India through the Secretary, Ministry of Defence, Chief Engineer, MES, Bathinda,

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Chief Works Engineer (Project), Bathinda and the Commander Works Engineer, MES, Sriganganagar. The order dated 1st November, 2003 which is in the form of an advertisement and a copy of which is paled at Annex. A/1, has been challenged.

2. Briefly stated the facts are that the applicant No. 1 is a registered trade union of employees and applicant No. 2 is affected person, who has applied for the post of Mazdoor in response to the advertisement referred to above. It is alleged that the advertisement relates to recruitment of some posts of Mazdoor, Peon and Chowkidar where eligibility conditions have been prescribed and it is also said that expected places for employment will be Punjab, Haryana and Rajasthan, but, the candidates may have to serve at any other part of the country as well. The applicant wants the Tribunal to believe that although 27 out of 40 vacancies of Mazdoor are still to be filled in under the respondent no. 4 but, the authorities have purposely authorised the respondent no. 3 Commander Works Engineer (Project), Bathinda Zone, to take steps for filling the left out vacancies and the said respondent has ignored the request made by the applicant on 16th October, 2003 to make recruitment on 27 posts of Mazdoors at Sriganganagar. It is, therefore, prayed that this arbitrary and illegal action of recruiting persons from Bathinda by the Bathinda Zone Commander Works Engineer, should be quashed.

3. Notices were issued to the respondents and a detailed reply has been filed. On the last date, both sides have been heard.

Done

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4. Following stand has been taken by the respondents :-

- (a) Applicant No.1 has no locus standi with respect to the matter in question.
- (b) Both the respondents No. 3 and 4 are under the respondent No. 2 i.e. the Chief Engineer, Bathinda Zone and it is under his supervision that respondent No. 3 has been entrusted such job.
- (c) Both the Commander Works Engineer at Bathinda and Sriganganagar, being under the Chief Engineer, distribution of work between them is made on the basis of work exigencies and there is nothing wrong in allotting the work of any area to any other officer to achieve overall transparency and fairness.

5. The only contention submitted by the learned counsel for the applicant is that if the vacancies pertain to Sriganganagar, it is proper that the Chief Engineer at Sriganganagar should conduct recruitment and it is not clear how the transparency and fairness is maintained by conducting selection process at Bathinda.

6. On perusal of pleadings and considering the arguments advanced, it is established that no legal right of the applicant has been flouted or violated. The vacancies were admittedly pertaining to the States of Punjab, Haryana and Rajasthan and if an authority located in any of these States has been authorised to go through with the process of recruitment of candidates who will be deputed in the said States, it cannot be called discriminatory or partial. The very fact that respondents No. 3 and 4 are under the administrative control of respondent No. 2, Chief Engineer,

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Bathinda, makes it abundantly clear that the work distribution among them can be done by him.

7. In view of the foregoing, the application filed by the applicants does not appear to have merit and is, therefore, dismissed with no order as to costs. Interim order passed on 8th December, 2003 is vacated.

SS
[G.R. Patwardhan]
Administrative Member

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