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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**Original Application No. 104/2010 &
Misc. Application No. 71/2010**

Date of decision: 20.7.2011

**CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

Suresh Chandra Sharma s/o late Sh. Matadeen Sharma, Pipe Fitter HSG, aged about 38 years, by caste Sharma, r/o H.No. 132, Sector 14, E Block, Hudco Colony, Udaipur.

..... Applicant

Mr. Manoj Bhandari, Counsel for the applicant.

Versus

1. The union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The Commander Works Engineer (Army), M.E.S. Multan Line, Army Area, Jodhpur 342010
3. The Chief Engineer, Headquarter, Southern Command, MES, Pune.
4. The Chief Engineer, Bhopal Zone, MES, Bhopal, M.P.
5. The Engineer-in-Chief, Army Headquarter, Kashmiri House, Rajaji Ka Marg, DHQ, PO, New Delhi-11
6. The Assistant Garrison Engineer (1), Eklingarh, Cant, Udaipur (Raj)-313001.

..... Respondents

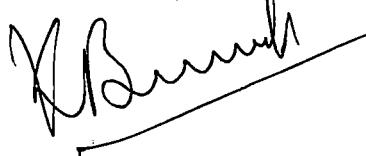
Mr. D.S. Sodha proxy for Mr. Kuldeep Mathur, counsel for the respondents.

ORDER

Per Dr. K.B. Suresh, Member (Judicial)

Heard both the learned counsels for the parties and examined the pleadings on record.

2. Compassion is sought by the applicant who is 39 years old and his right to such claims stems from the death of his father in January 1996. At that time he had not passed the 8th standard,

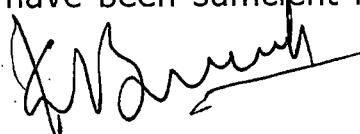


and hence not qualified, and issued Annexure R/1, indicating an undertaking given by the applicant that within 2 years of his appointment he will pass the 8th standard and thereby will belong qualified.

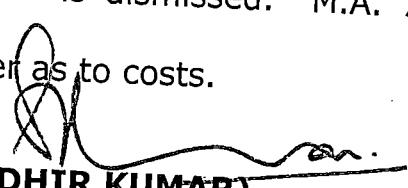
3. The learned counsel for the applicant would submit that later on he had appeared and passed the 8th standard and thus become eligible.

4. However in the year 2002 the applicant was informed that Board of Officers found, on a ~~forth~~ and final look into the matter, ~~the~~ that the applicant was placed at 49th position since he had only secured 57 marks. Since, there is no sufficient number of vacancies to accommodate him, ~~&~~ also and on the basis of ~~the~~ comparative analysis, ^{since} ~~much~~ more indigent persons were ~~the~~ available, it was not possible to accommodate him. Thereafter it would appear that in 2003 and 2009 applicant had taken up the matter with the concerned respondent and ~~had~~ been informed that on receipt of such representation it has been forwarded to the competent authority, and vide impugned order the competent authority informed the applicant that the case of the applicant cannot be considered as it has been rejected long back.

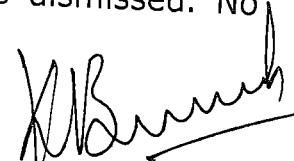
5. The learned counsel for the applicant would submit that it is not a fault of his that he was not considered for 3 times. But, we have examined the documents and found in fact he had been considered for 4th opportunity and found inadequate and wanting. The picture which emerges is that they have considered with the rational and logical yardsticks and on the basis of comparative analysis, indigence of all concerned persons were analyzed. There could not have been sufficient number of



vacancies to accommodate him and in such circumstances he was informed in 2002 itself that he cannot be considered further. Therefore, there is no merit in the O.A. It is also hit by long laches and delay. Having found no merit in the O.A. the same is dismissed. M.A. 71/2010 also stands dismissed. No order as to costs.


(SUDHIR KUMAR)
MEMBER(A)

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[DR. K.B. SURESH]
MEMBER (J)