CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Jodhpur this the 24th day of October, 2013.

CORAM

HON'BLE MR.JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

OA No.117/2013

Om Prakash s/o Shri Sakta Ram, Caste-Jat, aged 25 years, r/o c/o Krishna Ram Godara, Godara Ka Bas, Digari Kalla, Ajmer Road, Jodhpur (Candidate for appointment as Mate (SSK) in MES, Army, Jodhpur)

.. Applicant

(Through Advocate: Mr. S.P.Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Director General (Pers)/E1C(1), Military Engineer Service, Engineer-in-Chief's Branch, Integrated HQ of MoD (Army), Kashmir House, Rajaji Marg, New Delhi.
3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune,
4. Military Engineer Services, Headquarters, Commander Works Engineer (CWE), Army, Multan Lines, Jodhpur.

.. Respondents

(Through advocate: Mr. Vinit Mathur and Ms. K.Parveen)

OA No.135/2013

1. Pola Ram Choudhary S/o Rupa Ram Choudhary R/o Gaurav House, Near Sati Mata Temple, Panch Batti, Ratana, Jodhpur (Raj).
2. Ramswaroop S/o Sujaram, R/o Village Ramasani Tehsil Bilara, Distt- Jodhpur (Raj).
3. Shyam Lal S/o Kaluram, R/o Village Pitasani, Tehsil & Distt- Jodhpur (Raj).

4. Mahipal S/o Bhomaram R/o Village Ramasani Tehsil Bilara, Distt-Jodhpur (Raj).

5. Ramprakash Moga S/o Omaram Moga, R/o C-10, Rajiv Nagar, Mahamandir, Jodhpur (Raj).

6. Ramniwas S/o Puraram R/o C/o Ramsingh Choudhar, 18 Ajuja Colony, Airport Road, Ratana, Distt- Jodhpur (Raj).

7. Mohan Lal S/o Buddha Ram, R/o Village Dantiwara, via-Banar, Distt- Jodhpur (Raj).

8. Mahendra Ram S/o Chunni Lal R/o Village Aaktaji, Post Bawrala, Via – Banar, Distt- Jodhpur (Raj).

9. Rakesh S/o Kaluram R/o Village Pitasani, Tehsil & Distt-Jodhpur (Raj.).

.....Applicants

(Through Adv. Mr. Kailash Jangid)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE), Army, Multan Line Army, Jodhpur - 342010.

.....Respondents

(Through Adv. Mr. Vinit Mathur and Ms K. Parveen)

OA No. 136/2013

1. Mohit Singh Chouhan S/o Jagdish Singh Chouhan, Plot No. 30 B Hakim Bagh Opp. Sardar School, Distt-Jodhpur (Raj).

2. Rahul Sharma S/o Shri Jai Dev Sharma, R/o 27, Arya Nagar, Mahamandir, Jodhpur, (Raj) 342006.

.....Applicants

(Through Adv.: Mr. Kailash Jangid)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE) Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv.: Mr. Vinit Mathur and Ms K. Parveen)

OA No.143/2013 with MA No.71/2013

1. Nanaga Ram S/o Vishna Ram, Aged – 20 years, R/o Bajrang Medical Store Opp. Govt. Hospital Sindhary, District – Barmer, Rajasthan.

2. Anil Kumar S/o late Shri Kasu Ram, Aged-31 years, R/o H.No. 91 Sargara Colony, 9th Chopasani Road, Jodhpur.

3. Pawan Kumar S/o Surja Ram, Aged-21 years, R/o Village-Jajiwal Khichi, Post-Jajiwal Kalla, District-Jodhpur, Rajasthan.

4. Vikram Choudhary S/o Shri Kana Ram, Aged-24 years, R/o Village Jajiwal Kala, District-Jodhpur, Rajasthan.

5. Sangram Singh S/o Shri Vikram Singh, Aged-24 years, R/o Plot No. 171, New Colony, BJS, near Krishna Mandir, Jodhpur, Rajasthan.

6. Kishan Singh S/o Prem Singh Bhati, Aged-25 years, R/o Jaswantpura, Tehsil-Pokharan, District-Jaisalmer.

7. Ramswaroop S/o Shri Sujra Ram, Aged 25 years, R/o Village-Heeradesar, District-Jodhpur, Rajasthan.

8. Sawai Singh S/o Shri Ugam Singh, Aged-23 years, R/o V. &PO-Bardhana, Tehsil-Pokharan, District- Jaisalmer.

9. Vikram Singh S/o Shri Manohar Singh, Aged -23 years, R/o Plot No. 5 Ganesh Nagar, Bhadwasia, Jodhpur, Rajasthan.

10. Ayub Khan S/o Shri Mumtaj Khan, Aged 24 years, R/o B-26 Avtar Colony near Mandore Garden, Jodhpur (Raj)

11. Yakub Khan S/o Shri Mumtaj Khan, Aged-25 years, R/o B-26 Avtar Colony, near Mandore Garden, Jodhpur (Raj)

12. Jayant Sharma S/o Shri Mahendra Kumar Sharma, Aged-25 years, R/o Plot No. 64 Dadich Nagar, Teesari Pole, Mahamandir, Jodhpur, Rajasthan.

13. Shravan Kumar Choudhary S/o Shri Gordahn Ram, Aged-22 years, R/o Village Salwa Kallan, Tehsil & District-Jodhpur, Rajasthan.

14. Pramod Sharma S/o Ram Ratan Suthar, Aged-29 years, R/o Bajrang Medical Store Opp. Govt. Hospital Sindhary, Distt.-Barmer, Rajasthan.

15. Moda Ram Parmar S/o Shri Shanti Lal, Aged-20 Years, R/o Bheelon-ka-Bass, Tehsil-Sayala, District-Jalore, Rajasthan.

16. Pintoo Ram S/o Shri Kuya Ram, aged 21 years, R/o BSO Army Central, C/o GE Army Central Jodhpur, Rajasthan.

17. Kana Ram Rana S/o Shri Saka Ram Rana, Aged-22 years, R/o Police Thane-ke-Paas, Tehsil-Sayla, District-Jalore, Rajasthan.

18. Ravi Kumar S/o Kailash Kumar, Aged-23 years, R/o 86, Indira Colony, Air Force Road, Jodhpur, Rajasthan.

19. Dharma Ram S/o Shri Hema Ram, Aged-25 years, R/o Village-Salwan-Kallan, Mandore, Jodhpur, Rajasthan.

20. Rajesh Bheel S/o Shri Parsa Ram, Aged-19 Years, R/o Bheelon-ka-Bass, Sayla District-Jalore, Rajasthan.

21. Sampat Dagala S/o Shri Rameshwar, Aged-21 years, R/o Vill. & Post-Kharda Randhir Via-Banar, Jodhpur, Rajasthan.

22. Raj Kumar Singh Sankhala S/o Shri Govind Singh Sankhala, Aged-27 years, R/o Nathu Bhawan, Balon-ka-Baas, Ummed-Chowk, Jodhpur, Rajasthan.

23. Pratap Singh S/o Shri Loon Singh, Aged-23 years, R/o Quarter No. 302, MES Colony, Jodhpur, Rajasthan.

24. Sahi Ram Bishnoi, S/o Shri Chokha Ram Bishnoi, Aged-24 Years, R/o Village-Lamba, Tehsil-Bilara, District-Jodhpur, Rajasthan.

25. Harendra Choudhary S/o Shri Godaram Choudhary, Aged-25 years, R/o Digari Kallan, Neno-ki-Dhani, Shikargarh, District-Jodhpur, Rajasthan.

26. Prakash Saran S/o Shri Bhiya Ram, Aged-19 years, R/o Village-Naharo-ki-Dhani, Teh. & District-Jodhpur, Rajsthan.

27. Hadman Ram S/o Shri Arjun Ram Sou, Aged-23 years, R/o Village-Heeradesar, Tehsil-Bhopalgarh, District-Jodhpur.

28. Ram Kishor S/o Shri Mangla Ram, Aged – 26 years, R/o Village-Osran, Tehsil-Bhopalgarh, District-Jodhpur.

29. Lal Chand S/o Shri Birjlal, Aged-25 years, R/o Vill. Post-Anupshahar, Tehsil-Bhadra, District-Hanumangarh.

30. Usman Khan S/o Usuf Khan, Aged-26 years, R/o Ward No. 11, Near Daud Hazi-Ki Kothi, Indira Colony, Bhadra, District-Hanumangarh, Rajasthan.

31. Hasan Khan S/o Sirajudeen Khan Aged, 27 years, R/o V.P.O. Anupshahar, Tehsil-Bhadra, District-Hanumangarh.

32. Manohar Singh S/o Shri Mala Ram, Aged-27 Years, R/o Vill-Tilwasni, Tehsil-Bilara, District-Jodhpur, Rajasthan.

33. Ram Lal S/o Shri Surja Ram, Aged-26 years, R/o Village-Jajiwal Khichiyasar, Via Basni, District-Jodhpur, Rajasthan.

.....Applicants

(Through Adv. Mr. S.P. Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE), Army, Jodhpur - 342027.

....Respondents

(Through Adv. Mr. Vinit Mathur and Ms K. Parveen)

OA No. 181/2013

Jugal Kishor S/o Shri Mishri Lal, Aged 29 years, R/o Drwra Ki Haveli Near Rajmahal Middle School Ajay Chowk, Jodhpur.

.....Applicants

(Through Adv. Mr. S.P. Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE), Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv. Mr. Vinit Mathur, Ms K. Parveen & Mr. Girish Joshi)

OA No. 168/2013 with MA No.83/2013

1. Dinesh Kumar s/o Shri Suraj, Prakash, aged 27 years r/o H.No.265, Navdurga Nagar, Khasra-4, Jhalamand Circle, Jodhpur, Rajasthan.

2. Ramdev Nayak s/o Shri Madan Lal Nayak, aged 28 years, r/o H.No.30, Air Force, Indira Colony, Ratnada, Jodhpur, Rajasthan.

3. Manish Nayak s/o Shri Ramdev Nayak, aged 27 years r/o H.No.68-B, Pabupra, Civil Air Port Road, Jodhpur, Rajasthan.

4. Vishal s/o Poosa Ram, aged 28 years, r/o Bombay Motors Co. behind Pancholiya Nadi, Harijan Basti, Jodhpur, Rajasthan

5. Durjan Singh s/o Shri Roop Singh, aged 28 years, r/o Plot No.169 Hanwant 'B' BJS Marg No.17, Jodhpur, Rajasthan.

6. Gaurav Jangid s/o Shri Shankar Lal Jangid, aged 25 years, r/o H.No. 29-30, Ram Mohalla, Outside Nagori Gate, Jodhpur, Rajasthan.

.....Applicants

(Through Adv. Mr. S.P. Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune- 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer Army, Jodhpur.

5. Commander Works Engineer (CWE) (P) (Army), Banar, Jodhpur.

....Respondents

(Through Adv. Mr. Vinit Mathur and Ms K. Parveen)

OA No. 220/2013

1. Naresh S/o Shri Kishan Ji, Aged about 23 years, R/o 58, Indra Colony, Panch Batti Circle, Air Force Road, Jodhpur, Rajasthan.

2. Sanjay Kumar S/o Late Shri Shyam Lal Ji, R/o Sansi Colony, Baggi Khana Road, Ratanada, Jodhpur, Rajasthan.

3. Tulsi Ram S/o Shri Ram Lal Ji, R/o Plot No. 276, Nehru Colony, Ratanada Road, Jodhpur, Rajasthan.

4. Pratap Kumar S/o Shri Poona Ram, R/o 73, Prithvipura, Rasala Road, Paota, Jodhpur, Rajasthan.

5. Raju S/o Shri Manohar Lal Ji, R/o H.No. 122, Gali No. 3, Kailawat Pan Palace, Prithvipura, Rasala Road, Jodhpur, Rajasthan.

6. Pintu Ram S/o Shri Koya Ram, S/o BSO Army Center, C/o GE Army Central, Jodhpur, Rajasthan.

7. Moda Ram Parmar S/o Shri Shanti Lal Ji, R/o Bhilo Ka Bas, Tehsil Sayla, District Jalore, Rajasthan.

8. Ritu Panwar W/o Shri Niranjan, R/o Vidhya Nagar, Paota, Jodhpur, Rajasthan.

9. Sawai Singh S/o Shri Ugam Singh, R/o V&P Bardana, Tehsil Pokaran, District Jaisalmer, Rajasthan.

10. Sanjay Chouhan S/o Shri Chandra Prakash, R/o Q.No. 503/3, Lancer Line, Army Area, Jodhpur, Rajasthan.

11. Rajesh Bheel S/o Shri Parsa Ram, R/o Bhilo Ka Bas, Tehsil Sayla, District Jalore, Rajasthan.

12. Kanaram Rana S/o Shri Saka Ram Ji, R/o Near Police Station, Tehsil Sayla, District Jalore, Rajasthan.

13. Bhupendra Singh S/o Shri Jai Singh, R/o 604, New Colony, BJS Colony, Jodhpur, Rajasthan.

14. Kishan Singh S/o Shri Prem Singh, R/o Village Jaswantppura, Post Jemla, Tehsil Pokaran, District Jaisalmer, Rajasthan.

15. Ashok S/o Shri Bhiya Ram Ji, R/o Village Khokharia, Post Banar, Jodhpur, Rajasthan.

16. Daulat Ram Choudhary S/o Shri Harman Ram, R/o Village Nandri, Post Banar, Jodhpur, Rajasthan.

17. Ganpat Ram S/o Shri Laxman Ji, R/o Village Aanganwa, Post Aanganwa, Surpura, Jodhpur, Rajasthan.

18. Anil Kumar S/o Shri Kesu Ram Ji, R/o 9th Chopasani Road, Behind Ranvir Bhawan, Jodhpur, Rajasthan.

19. Kishna Ram S/o Shri Mangi Lal Ji, R/o Nandra Kalan, Post Banar, Jodhpur, Rajasthan.

20. Narendra Kumar S/o Shri Chela Ram Ji, R/o Lancer Line, MES Quarter, Army Area, Jodhpur, Rajasthan.

.....Applicants

(Through Adv. Mr R.S. Shekhawat)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE), Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv. Mr. Vinit Mathur and Ms K. Parveen)

OA No.284/2013

1. Mohd. Arbaz s/o Mohd. Ayub, aged 19 years r/o Shantipura, Mehavaton Ki Masjid Road, Jodhpur.

2. Bhagwan Prasad Prajapat s/o Shri Rameshwar Prajapat, aged 31 years r/o 254, Mata Ka Than, Dairy Wali Gali No.3, Suthla, Jodhpur.

3. Parmeshwar Prajapat s/o Shri Rameshwar Prajapat, aged 29 years, r/o 254 Mata Ka Than, Dairy Wali Gali no.3, Suthla, Jodhpur.

4. Sharvan Ram Saran s/o Shri Achal Ram, aged 22 years r/o Village-B-Road, Saran Nagar, Ajmer Road, Jodhpur.

... Applicants

(By Advocate: Shri S.P.Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Director General (Pers) El C (1) Military Engineer Service Engineer-in Chiefs Bench, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.
3. Military Engineer Service Headquarters Chief Engineer, Southern Command Pune- 411001.
4. Military Engineer Services, Head Quarters Commander Work Engineer (CWE), Army, Jodhpur - 342010.
5. Commander Works Engineer (CWE) (P) (Army), Banar, Jodhpur.

....Respondents

(Through Adv. Mr Vinit Mathur)

OA No. 285/2013

1. Tilok Choudhary S/o Shri Anda Ram, Aged about 19 years, R/o Village Gujrawas, Post Banar, Distt. Jodhpur.
2. Sanwar Ram S/o Shri Bhanwal Lal, Aged about 20 years, R/o Village Khokharia, Post Banar, Distt. Jodhpur.
3. Ganpat Lal S/o Shri Laxman Ram, Aged about 22 years, R/o Naya Gaanv, Post Chopara, Tehsil Sojat City, Distt. Pali.
4. Rohit Chouhan S/o Shri Satya Narayan Singh Chouhan, aged 24 years, R/o Barlo Ka Chowk, Inside Osiyon Ki Haveli, Jodhpur.
5. Rahul Sharma S/o Shri Lalit Sharma, Aged about 21 years, R/o Bajran Colony, Near Golnadi, Ummed Chowk, Jodhpur.
6. Imran S/o Shri Abdul Rahim aged 25 years, R/o in front of Golnadi, Ummed Chowk, Jodhpur.
7. Sameer Khan S//o Shri Mohammed Shakeel, Aged about 23 years, R/o Kabutron Ka Chowk, Nyariyo Ki Maszid Ke Pas, Pathan Gali, Jodhpur.
8. Hidayatullah Khan S/o Shri Liyakat Ullah Khan, Aged about 29 years, R/o K-83/205, Ramjan Ji Ka Hatha, Banar Road, Aktra Nagar, Jodhpur.

.....Applicants

(Through Adv. Mr. B. Khan)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers) El C (1) Military Engineer Service Engineer-in Chiefs Bench Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Service Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Head Quarters Commander Work Engineer (CWE) Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv. Mr Vinit Mathur)

OA No.347/2013

Vikas s/o Shri Dinesh Kumar, aged 21 years, r/o Nagori Gate, Kala Colony, Gali no.3, Distt. Jodhpur.

.. Applicant

(By Advocate: Shri S.P.Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers) El C (1) Military Engineer Service Engineer-in Chiefs Bench Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Service Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Head Quarters Commander Work Engineer (CWE) Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv. Mr. Vinit Mathur and Ms. K.Parveen)

OA No. 371/2013

1. Sadique Khan S/o Shri Raseed Khan, aged about 26 years, R/o Post Farasow Ka Bangla, Moti Chowk, Jodhpur.

2. Chand Khan S/o Shri Abdul Raseed, aged about 28 years, R/o Post Farasow Ka Bangla, Moti Chowk, Jodhpur.

.....Applicants

(Through Adv. Mr. B. Khan)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers) El C (1) Military Engineer Service Engineer-in Chiefs Bench Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Service Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Head Quarters Commander Work Engineer (CWE) Multan Line Army, Jodhpur - 342010.

5. Commander Work Engineer (CWE) (P) (Army), Banar, Jodhpur 342027.

....Respondents

(Through Adv. Mr. Vinit Mathur, Ms K. Parveen & Mr Girish Joshi)

OA No. 394/2013

1. Bhanwar Singh Rathore S/o Shri Om Singh Rathore, aged about 24 years, R/o Flat No. 58, AZSA, B.J.S. Colony, Jodhpur.

2. Deepak Choudhary S/o Shri Pokhar Ram, aged about 19 years, R/o Neno Ki Dhani, Sikargarh Road, Post Nandra Kala, Tehsil & Distt.- Jodhpur.

.....Applicant

(Through Adv. Mr. B. Khan)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers) El C (1) Military Engineer Service Engineer-in Chiefs Bench Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Service Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Head Quarters Commander Work Engineer (CWE) Multan Line Army, Jodhpur - 342010.

5. Commander Work Engineer (CWE) (P) (Armu), Banar, Jodhpur 342027.

....Respondents

(Through Adv. Mr. Vinit Mathur and Mr Girish Joshi)

OA No. 395/2013

1. Himmata Ram S/o Shri Mula Ram, Aged-24 years, R/o Cholaniyan Ki Dhani, Village & Post – Chamu, via Tinwari, Tehsil-Shergarh, District-Jodhpur, Rajasthan.

2. Virendra Choudhary S/o Jalu Ram Choudhary, Aged-24 years, R/o Saran Nagar 'B' Road, Ajmer Road, District-Jodhpur, Rajasthan.

3. Jagdish S/o Naina Ram, Aged 28 years, R/o Village-Gujrawas, Post-Banar, District-Jodhpur, Rajasthan.

.....Applicants

(Through Adv. Mr. S.P. Sharma)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C(1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command, Pune- 411001.

4. Military Engineer Services, Headquarters, Commander Works Engineer (CWE), (Army), Jodhpur - 342027.

5. Commander Works Engineer (CWE) (P) (Army), Banar, Jodhpur-342027.

....Respondents

(Through Adv. Mr. Vinit Mathur, Ms K. Parveen and Mr. Girish Joshi)

OA No. 415/2013

1. Niraj Sharma S/o Suresh Chand, aged about – years, R/o Village Malikpur, Post Jhudavai, Dist – Mathura (U.P.).

2. Vipin Sharma S/o Gopal Sharma, R/o Village Sadarvan, Post Bichpuri, Dist-Agra (U.P.).

3. Man Singh Rajpoot S/o Bherun Singh Rajpoot, Aged about 26 years, R/o VPO Sonkhari, Tehsil Kathumar, Dis-Alwar (Raj)

.....Applicants

(Through Adv. Mr. Kailash Jangid)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE) Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv.: Mr. Vinit Mathur and Mr. Girish Joshi)

OA No. 421/2013

1. Sharwan Singh S/o Shri Sher Singh, 23 years, R/o Qtr No. 352/2, Lancer Line, Jodhpur 342010 (Raj).

2. Kuldeep Singh Rathore S/o Shri Gopal Singh Rathore R/o Q No. 2, Lancer Line, MES Colony, Dist. Jodhpur-342010 (Raj).

3. Hari Ram Nayak S/o Shri Chaturbhuj Nayak R/o H.No. 84 Kumar R/o Indra Colony, Air Force Road, Ratanada, Distt-Jodhpur-342001 (Raj)

.....Applicants

(By advocate : None present)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C (1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Headquarters, Commander Works Engineer (CWE) Multan Line Army, Jodhpur - 342010.

....Respondents

(Through Adv. Mr. Vinit Mathur)

OA No.432/2013

1. Babu Ram s/o Shri Sona Ram, aged about 31 years, r/o village Pokharia, Post Banar, Distt. Jodhpur.

2. Aslam s/o Shri Abdul Sattar, aged 29 years, r/o Golnadi, Ummed Chowk, Jodhpur.

.. Applicants

(Through Advocate: Mr. B.Khan)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers)/E1C(1), Military Engineer Service, Engineer-in Chief's Branch, Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Services, Headquarters Chief Engineer, Southern Command, Pune- 411001.

4. Military Engineer Services, Headquarters, Commander Works Engineer (CWE), (Army), Jodhpur - 342027.

5. Commander Works Engineer (CWE) (P) (Army), Banar, Jodhpur-342027.

....Respondents

(Through Adv.: Mr. Vinit Mathur)

OA No. 461/2013

1. Gordhan Jani S/o Shri Mehram Ram, Aged about 23 years, R/o Village Post Nandhada Kalan, Vaya-Banar, Distt. Jodhpur.

2. Dinesh S/o Shri Tulsi Ram, Aged about 20 years, R/o Village Post Kharda Randhir, Jato Ki Dhani, Via Banar, Jodhpur.

3. Bada Ram S/o Shri Tulsi Ram, Aged about 21 years, R/o Village Post Kharda Randhir, Jato Ki Dhani, Via Banar, Jodhpur.

4. Sohan Lal S/o Shri Ummed Ram, Aged about 28 years, R/o 165, Godaron Ki Dhani, Digari Kala, Ajmer Road, Jodhpur.

5. Mahipal Singh S/o Shri Jagdish Singh, Aged about 24 years, R/o Gayatri Nagar, Bhadwasiya, Jodhpur.

6. Pratap Singh S/o Late Shri Dhan Singh, Aged about 28 years, R/o Bagar Beri, Kila Road, Jodhpur.

7. Gajendra Singh S/o Shri Gulab Singh, Aged 30 years, R/o Merta Road, Distt. Nagaur.

8. Amar Singh S/o Shri Dhool Singh, Aged 31 years, R/o Lal Sagar, Jodhpur.

.....Applicants

(Through Adv. Mr. B. Khan)

Versus

1. Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Director General (Pers) EI C (1) Military Engineer Service Engineer-in Chiefs Bench Integrated HQ of MoD (Army) Kashmir House, Rajaji Marg, New Delhi – 110011.

3. Military Engineer Service Headquarters Chief Engineer, Southern Command Pune 411001.

4. Military Engineer Service Head Quarters Commander Work Engineer (CWE) Multan Line Army, Jodhpur - 342010.

5. Commander Work Engineer (CWE) (P) (Army), Banar, Jodhpur 342027.

....Respondents

(Through Adv: Mr. Vinit Mathur)

ORDER (Oral)

Per Justice Kailash Chandra Joshi, Member (J)

By this common judgment, we are proposing to decide 17 OAs bearing Nos. 117/2013, 135/2013, 136/2013, 143/2013, 181/2013, 168/2013, 220/2013, 284/2013, 285/2013, 347/2013, 371/2013, 394/2013, 395/2013, 415/2013, 421/2013, 432/2013 and 461/2013. In all these OAs, the relief claimed by the applicants are identical and similar being relief to

declare the re-examination conducted by respondent Nos.3 and 4 on 14.4.2013 and the order passed by respondent Nos. 3 and 4 by which notification dated 14.2.2013 (Ann.A/1 and A/2) was published, as illegal with the further prayer to direct the respondents to make appointment in pursuance of the written examination held on 2.9.2012 and interviews held from 20.10.2012 to 31.10.2012.

2. We are not putting the facts of any particular case because the reliefs as sought by the applicants are common/identical in all the OAs.

3. The facts necessary to adjudicate all the OAs may be summarized in a narrow compass that all the applicants appeared in the written test held on 2.9.2012 in pursuance to the advertisement published in the Employment Newspaper dated 24-30 December, 2011 (weekly). Thereafter a corrigendum was issued regarding the change of eligibility criteria, which was notified on 12.4.2012. All the applicants applied for the post of Mate (SSK) in pursuance to the above advertisement. The examination was to fill up the vacancies on all India basis at notified places in different parts of India. A written examination was held at Jodhpur on 2nd September, 2012, and the result of the written examination was declared by the competent authority. All the applicants were issued call letters to appear in the interview scheduled to be held from 20.10.2012 to 31.10.2012 at Command Works Engineer (Army), Jodhpur in which all the applicants appeared. It is averred that results of other centers were declared but it was not declared for Jodhpur Centre. Thereafter, the respondents issued another advertisement dated 14.2.2013 for re-conduction of examination of Jodhpur Centre scheduled to be held on 14.4.2012. Being aggrieved with the action of respondent Nos. 3 and 4 for non-declaration of result of the earlier

examination held on 2.9.2012 and interviews held from 20.10.2012 to 31.10.2012, these OAs have been filed while challenging legality of the revised advertisement dated 14.2.2013 and further process of examination conducted by respondents.

4. The main grounds on which the reliefs have been sought are as follows:-

4.1 The issuance of fresh advertisement Ann.A/1 and A/2 is bad in the eyes of law, because the respondents cannot be allowed to proceed with re-examination in respect of one centre only, as the vacancies were advertised on All India basis.

4.2 Without there being any specific order of cancellation of earlier examination, fresh examination cannot be held.

4.3 The selection process cannot be changed in mid stream. Either the entire advertisement ought to have been cancelled or the respondents ought to have completed the earlier selection process.

4.4 Cancellation of examination without recording any reason and without holding any inquiry or application of mind to the allegations made in alleged complaints is improper and against the settled principles of law.

4.5 The final result has been withheld and fresh examination has been ordered to accommodate some blue-eye candidates who did not find place in the earlier selection process.

4.6 In some of the OAs additional grounds have been averred with regard to the second written examination held on 14.4.2013, like leakage of examination paper, belated starting of written examination and that some persons were allowed to sit in the examination who did not appear in the earlier examination held on 2.9.2012. It has also been averred in the additional grounds that some persons were issued call letters for the written

examination, even though they were not allowed to sit in the examination held on 2.9.2012, and some, who were earlier allowed to appear in the examination and called for interview, were not even issued admit card for the 14th April, 2013 examination. A ground also been taken that the respondents have not followed the provisions regarding reservation and in some of the OAs, the applicants have annexed the news items published in the newspapers regarding the irregularities committed during the second examination held on 14.4.2013.

4.7 In some cases, it has been averred as a ground to challenge the illegality of Ann.A/1 and A/2 that bare perusal of the result of the written examination of 14th April, 2013 show that some candidates have been declared successful having roll numbers in a group without there being difference between the group of 5-10 roll numbers reflecting lack of fairness. It has also been said that how is it possible that not one person out of the 100 odd applicants in these OAs found place in the list of successful candidates of the April, 2013 examination, though all of them had passed the earlier written examination and appeared for the interview in the year 2012.

5. In some OAs, replies have been filed. The counsel for the respondents Shri Vinit Mathur, Shri Girish Joshi and Ms. K.Parveen submitted that the replies filed in some OAs be adopted as counter in those cases also in which replies have not been filed separately. The counsel for the applicants have also submitted that the counter claim by the applicants in some of the OAs may be adopted as counter claim in other OAs in which replies have not been filed. Further, Shri V.K.Mathur, counsel for the respondents has filed additional affidavit and both the parties agree that the

same may be read as additional affidavit in all the cases. Thus, treating the pleadings in all the cases as complete, we are deciding these OAs.

6. In some of the OAs, the applicants have prayed to pursue the matter jointly. The prayer is allowed because the applicants are pursuing the same relief and the Misc. Applications filed for joining the applicants together in some OAs stand disposed of accordingly.

7. In the counter, the respondents while denying the charges of arbitrariness, illegality and irregularities committed in the first examination averred that first examination was cancelled on the basis of a report submitted by a Board comprising of 5 officers and after due application of mind and appreciation of each and every fact, the competent authority took a decision to re-conduct the examination and this cautious decision was taken after due application of mind with the relevant facts. It has been further averred in the reply that an internal investigation was ordered by CE JZ, Jodhpur to check whether the policy guidelines were followed in the earlier examination and the said investigation brought out various deviations in the procedure adopted by the CWE, Jodhpur and the process was found to be vitiated and on the basis of the above internal investigation, the competent authority ordered to re-conduct the written examination without calling any fresh application and since the results were not finalized, therefore, the process was re-started beginning from scrutiny of applications received in the earlier process. It has been further averred that the advertisement issued in December, 2011 clearly stipulates that call for written test and interview conveys no assurance whatsoever that the candidates will be selected/appointed. Hence, the competent authority was well within its right to annul the recruitment at any time if the same is found

to be violative of transparency and fair play and in this case, the competent authority has ordered to re-conduct the process. Therefore, there is nothing illegal, irregular and unlawful in re-conducting the examination, rather it is a process to hold the examination more fairly, which was well within the ambit of the authorities.

7.1 It has been further averred in the counter that the vacancies were advertised zone-wise and each recruitment zone was independent and, therefore, it is not necessary to conduct this recruitment with all India recruitment process and the same can be conducted separately also.

7.2 So far as the grounds taken regarding re-examination held on 14.4.2012, it has been averred that some applicant have initially created chaos at the venue of the examination and one of them might have carried papers with him surreptitiously although the same was not allowed to be taken out and the applicants have produced that paper and averred the ground of leakage of paper. It has been further stated that printing of the paper was done very confidentially directly under the supervision of Board of Officers ensuring complete secrecy. It has been specifically stated in the reply that Shri Om Prakash, applicant in OA No.117/2013 was creating nuisance in the premises and he was hampering the free and fair conduction of the examination. Hence the civil police interrupted and the candidate was asked to leave the venue. The incident in the examination centre was very well planned move by some miscreants as they have initially created chaos at the venue.

The sum and substance of all the replies is that re-examination was conducted in a very fair and transparent manner and the competent authority was within the competence to re-conduct the examination on the basis of the findings of the Board of 5 officers and, therefore, there is nothing illegal and irregular in re-conducting the examination.

8. The rejoinder submitted by some of the applicants contains more or less same facts and reiteration of allegations of favoritism and nepotism except in OA No.117/2013 filed by applicant Om Prakash wherein in the counter affidavit it has been stated that the person named Shri Mool Singh has never made complaint against the first process of examination held on 2.9.2012 and no such person namely Mool Singh ever remained the President of the MES Workers Association.

9. Heard the counsel for the parties. The main contention of the applicants regarding cancellation of earlier examination and issuance of the advertisement dated 14.2.2012 for re-conducting the examination and to cancel the entire process of earlier selection process and to direct the respondents to declare the result on the basis of the marks obtained in the earlier examination is that the question papers while conducting re-examination were leaked and this leakage of question papers is sufficient ground to declare the second process illegal and therefore, the applicants claim to direct the respondents to declare the result of the earlier examination. Counsel for the applicant further contended that the first examination process was re-conducted without proper application of mind and in arbitrary manner, and on a single reference to administrative reason, it was decided to re-conduct the examination. Re-conduct of examination without cancellation after proper application of mind and without transparent reasons and genuine grounds is unsustainable in the eyes of law. In support of his contention, he has relied upon the judgment of the Hon'ble Apex Court in the case of Chairman, All India Railway Recruitment board and Another vs. K.Shyam Kumar and Others, reported in (2010) 6 SCC 614

and in the case of East Coast Railway and Another vs. Mahadev Appa Rao and Others, reported in (2010) 7 SCC 678.

10. On the contrary, the counsel for the respondents contended that one Shri Om Prakash along with other persons created chaos initially at the examination centre and after interruption by the civil police, Shri Om Prakash was debarred from appearing in the examination and during that nuisance period or chaos, Shri Om Prakash managed to bring out the paper with him and that paper has been produced, which does not amount to leakage of paper because after that incident he was not allowed to appear in the examination. The counsel for the applicants further contended that the leakage must be prior to the examination and if during the course of examination, some mischief has been committed by any candidate, it does not amount to leakage of question paper.

11. We have perused the judgments cited by the counsel for the applicants.

So far as mal-practice and decision to re-conduct of examination is concerned, we have perused the material available on record and in our considered view, the Board comprising of 5 officers reported irregularity and illegality and other mal-practices in the earlier examination and the competent authority after application of mind ordered to re-conduct the examination. It is settled position of law that on flimsy grounds such examination cannot be cancelled, but where the competent authority verified the facts from record or an inquiry howsoever summary the same may be, it is possible for the competent authority to take a decision, that there are good reasons for making the order which the authority eventually makes.

Accordingly. the facts of present case are different from the cases cited by the applicants.

12. Counsel for the applicants further relied upon the judgment of the Hon'ble Supreme Court in the case of Inderpreet Singh Kahlon and Others vs. State of Punjab and Others, reported in (2006) 11 SCC 356, but looking to the enquiry report which was perused by the Court while considering the interim relief, the facts of this case are entirely different from that of the present case.

13. Counsel for the applicant further contended that applicants' participation in the second examination cannot be said to be acquiescense. The counsel for the respondents does not controvert this contention in view of the judgment of the Hon'ble Supreme Court in the case of Ramesh Kumar vs. High Court of Delhi and Another reported in (2010) 3 SCC 104.

14. So far as other grounds averred in the OAs are concerned, there are specific allegations regarding mal-practice, arbitrariness and other mala-fide action on the part of the respondents and it has been admitted during the course of arguments that almost all the applicants who appeared in the earlier examination have been called to appear in the second examination except Shri Gaurav Jangid, but in the counter filed by the respondents, it has been specifically averred that re-conducting of examination started right from the stage of scrutinizing of applications forms and if the candidate's form was not found in terms of the advertisement, that applicant has not been issued call letter for the written examination. Therefore, the grounds taken by the applicants in this context do not carry any force. Counsel for the applicants although pleaded that one applicant who had earlier not

appeared in the examination, was allowed to appear in the second examination at Jodhpur centre, but the counsel for the applicant during the course of arguments could not verify the details of such person, therefore, the averment made in the application appear to be vague. Similarly the averments regarding arbitrariness, malafideness and mal-practice averred in the applications are also vague and incorrect.

15. Counsel for the applicants contended violation of the provisions of the reservation policy, but on the contrary, counsel for the respondents denied this fact. We have perused the advertisement issued by the respondent department and in the advertisement itself it has been mentioned that no minimum marks are required in the written test to call for interview and as far as possible 5 times of the vacancies, the persons will be called in the interview and if in some categories less persons have been declared successful in written examination, it cannot be said that respondents have not followed the reservation policy because ultimately the reservation point have to be complied with after completion of recruitment process.

16. So far as the contention regarding re-conducting of examination at one Headquarter is concerned, we have perused the advertisement. The said recruitment was advertised on all India basis, but each zone has a separate status in conducting the examination. Thus, vacancies were also determined at the zonal level. Therefore, this argument of the counsel for the applicants that now the re-examination cannot be conducted for one headquarter only is not sustainable in the eyes of law.

17. Counsel for the applicant further contended that there is no specific order of cancellation of the earlier examination, but we are not inclined to

accept this argument because re-conduction of examination automatically pre-supposes cancellation of the earlier examination and there is no need to specifically cancel the earlier examination. Thus, this argument does not carry any force.

18. We have considered rival contention of both the parties. Although the applicants have averred in their OAs the fact of favoritism, nepotism and other allegations. but such averments made in the OAs are vague and no specific allegation has been made against any officer. Moreover, there are vague averments in these applications that some of the candidates appeared at Jaisalmer in the earlier examination and they have been allowed in the second examination at Jodhpur, but no such documentary evidence has been produced by the applicants. In addition to it, so far issuance of call letter in the second examination to Shri Gaurav Jangid is concerned, it has been replied in the counter that as the entire process has been re-started from the stage of scrutiny of application forms, therefore, some persons have not been issued call letters as their application form was not found incomplete. Therefore, any allegation of malafideness or arbitrariness cannot be sustained.

19. We have also perused the enquiry report and the original complaint received regarding favoritism in the first examination. It is settled principle of law that where the competent authority verified the facts from record of any inquiry howsoever summary the same may be, it is possible for the competent authority to take a decision that there are good reasons for making the order which the authority eventually makes. Accordingly, the reasons mentioned in the enquiry report by the competent authority to re-conduct the examination cannot be said to be improper or illegal.

R/C
Ors S.P. Sharma

20. So far as contention regarding reservation point is concerned, it is well settled principle of law that after finalization of the recruitment process, reservation policy shall be complied with, therefore, at this stage, merely after declaration of result of the written examination, it cannot be said that reservation policy has not been complied with.

21. So far as failure of applicants in the examination and passing of some of other candidates as evidence of unfairness is concerned, in the absence of any specific allegation or specific malice on the part of any officer the same cannot be accepted as proof and, therefore, the contention raised by the applicants can not sustain in the eyes of law.

22. In totality of the above discussions, in our considered view, all the OAs lack merit and the same are accordingly dismissed.

(Meenakshi Hooja)
Administrative Member

(Justice K.C. Joshi)
Judicial Member

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COMPARED & CHECKED

CERTIFIED TRUE COPY
Dated 30/4/13

Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ जोधपुर
Jodhpur Bench, Jodhpur