

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No.160/2013

Jodhpur, July the 3rd, 2014

CORAM

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

Hem Raj Lagari s/o Phula Ram aged about 38 years r/o Village Post
Beelwa Tehsil Khetdi, District Jhunjhnu

.....Applicant

Mr. Vijay K.Purohit, counsel for applicant

Vs.

1. The Union of India through the Secretary, Department of Ex Serviceman Welfare, Ministry of Defence, New Delhi.
2. Competent Authority, 411 Petroleum Platoon, C/o 56 Army Post Office, New Delhi.

.....Respondents

Ms. K.Parveen, counsel for respondents

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

The present application has been filed by Shri Hem Raj Lagari for his appointment on the post of Fire Engine Driver (FED) in pursuance of Advertisement published in Rozgar Express Edition 10.12.2012 to 16.12.2012 (Annex. A/1) by the respondents seeking following reliefs:-



(i) Applicant may be given appointment on the post of Fire Engine Driver (FED) in pursuance of advertisement Annex. A/1, under the Ex-Serviceman Category.

(ii) Any other suitable order or direction which this Hon'ble Court deems expedient in the fact and circumstances of the case may kindly be passed in favour of the applicant.

2. The brief facts to adjudicate the case, as averred by the applicant, are that the applicant is an Ex-Serviceman and served the army for about 17 years. In pursuance of the advertisement Annex. A/1, the applicant applied for the post of Fire Engine Driver (FED) and appeared in physical test on 13.02.2013, written test on 16.02.2013 and interview on 18.02.2013. Subsequently, medical examination was also done on 22.02.2013 and the applicant submitted all the relevant documents required in pursuance of the aforesaid test and interview. However, when the result of the aforesaid selection process was declared, the name of the applicant did not appear in the list of selected candidates and no reasons was assigned to the applicant for his non-selection. The applicant submitted representation dated 20.03.2013 to the respondents stating that no reservation for ex-servicemen was provided for in the impugned advertisement and no relaxation in terms of eligibility was also provided (Annex. A/6) but the respondents did not reply the same. Thus, this OA has been filed aggrieved by the inaction of the respondents in providing

appointment to the applicant seeking relief mentioned in para No.

1.

3. The applicant filed an additional affidavit in support of his OA and annexed the copy of the letter by which representation filed by the applicant (Annex. A/6) to the respondents is decided by the respondents vide letter dated 25.03.2013.

4. By way of reply, the respondents have averred that as per Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training O.M. No. 36017/1/2004-Estt (Res) dated 05.07.2005, the reservation quota as per reservation roster for the said vacancy is SC (15%), ST (7.5%), OBC (27%) and Gen (50.5%) and since only one vacancy was allotted for the post, the same is earmarked for General Category. The applicant has been given all the benefits as entitled to him as an ex-servicemen viz. age relaxation as per DoPT OM dated 27.03.2012. It has also been averred in the reply that first three candidates in the merit list Mr Surender Singh S/o Man Singh (Selected) and MR Hemraj Lagari (Applicant) and Mr Bhanwar Singh who were in reserve No. 1 & 2 respectively were instructed to get their detailed medical examination in any Government Hospital. Mr Surendra Singh has been issued the appointment letter dated 09.03.2013 as he stand first in the merit list subject to verification of character & antecedents by the Police and the applicant and Mr Bhanwar Singh is kept as Reserve 1 & 2 respectively. The respondents prayed to dismiss the OA.

5. Heard both the parties. Counsel for the applicant submits that after filing the present OA, the representation of the applicant has been decided and it has been informed to the applicant that because there was one vacancy of General Category, therefore, no reservation could be made for ex-servicemen category and this vacancy has been treated as General Category open to all



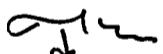
categories of candidates. Counsel for the applicant submits that now after completion of the entire process and as per the reply filed by the respondent-department, the applicant has been placed at S.No. 1 of wait list i.e. Reserve-01, therefore, in case selected candidate does not join, the respondent-department may be directed to call the applicant for issuing his appointment letter as per law.

6. Counsel for the respondents submits that as per her information the selected candidate has joined the respondent-department.

7. In view of the submissions made by both the counsels, in our considered view OA has rendered infructuous. However, if the selected candidate does not join in respondent-department then respondents are directed to call the applicant as per law because he stands at S.No. 1 in wait list i.e. Reserve-01.

8. In terms of above direction, OA is disposed of being rendered infructuous with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

SS/

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1667 ~~28/7/14~~ 28/7/14 ant
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28/7

R/C
Monika Tak
8/7/14