

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. MA 19 of 99  
(OA 693 of 97)

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman  
Hon'ble Mr. B.P. Singh, Administrative Member

SUBRATA ROY & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Ms. U. Sanyal, counsel  
Ms. S. Banerjee, counsel

For the respondents: Mr. B. Mukherjee, counsel

Heard on : 9.4.99

Order on : 9.4.99

O R D E R

S.N. Mallick, VC

In this MA the petitioners have prayed for a direction upon the respondents authorities to fill up 42 vacant posts in Group 'D' from outsider candidates in pursuance to the advertisement ~~dated~~ published in the Employment News, 5-11.12.98 as per Annexure 'D'. While passing an interim order in this MA on 27.1.99 we have noted the specific case of the petitioner and the case of the respondents. By an interim order dated 27.1.99 we directed the respondents not to fill up any vacancy in Group 'D' post as per impugned advertisement Annexure 'B' to the instant application without obtaining leave of the Tribunal. The order was to remain in force for a period of 3 weeks. The MA has come ~~up~~ for hearing today. The respondents have filed a reply where-in it is stated that the department decided to fill up 42 vacancies in Group 'D' post as there was no leave ~~given~~ <sup>application</sup> from this Tribunal in this regard. Furthermore it is their case those posts are declared as skilled jobs. It is submitted by Mr. Mukherjee, 1d. counsel appearing for the respondents that the petitioners being unskilled workers they could not be considered for the said posts. But in the reply no

such specific plea has been taken. On the other hand it is stated in the reply that out of 90 applicants in the instant OA, 22 have already been provided with employment and another batch of 23 has been scrutinised at the initial stage and the said batch is in the final stage of screening and the cases of the remaining 45 applicant are in the different stage of verification and expected to be settled as soon as possible. In view of the statements made in the reply it is difficult to accept the contentions of Mr. Mukherjee that the petitioners being unskilled could not be considered for the skilled jobs as per the impugned advertisements. Moreover in the impugned advertisement it is nowhere stated that the jobs specified therein are skilled jobs and unskilled workers cannot be considered. We that as it may, after hearing the submissions made by both the counsel and after going through the materials on record we modify our interim order dated 27.1.99 in the following manner. We direct the respondents not to fill up any vacancy in the Group 'D' post as per impugned advertisement without considering the cases of the petitioners as per extant rules keeping in view the admitted fact that 22 of the applicants have already been regularised in Group 'D' posts. No further order is required to be passed in this MA. The MA stands disposed of.

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MEMBER (A)

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VICE-CHAIRMAN