

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.1265 of 1997

Present : Hon'ble Dr.B.C.Sarma, Administrative Member.
Hon'ble Mr.D.Purkayastha, Judicial Member.

AMIT KUMAR MUKHERJEE S/o
Late Ajit Kumar Mukherjee,
10 A, Nanda Choudhury Lane,
Calcutta-6.

... Applicant
Vs.

1. Employees' State Insurance Corporation
represented through Director General,
Kotla Road, New Delhi-22
2. The Regional Director,
Employees' State Insurance Corporation,
5/1, Grant Lane, Calcutta-12.
3. The Deputy Regional Director,
Administration, 5/1, Grant Lane,
Calcutta-12.

... Respondents

For the applicant : Mr.B.Chakraborty, counsel.

For the respondents: Mr.T.K.Chatterjee, counsel.

Heard on : 15.1.1998

Order on : 15.1.1998

ORDER

B.C.Sarma, A.M.

In this application the applicant had made the prayer for issue of a direction upon the respondents to appoint him to the post of Lower Division Clerk under them since certain vacancies were going to be filled up and thus comply with the direction given by this Tribunal in the order passed on 27.8.1990.

2. The applicant is an unemployed youth and he had earlier filed an O.A. bearing No.455 of 1988 disposed of by a judgment on 27.8.1990. In that judgment, the respondents were directed to

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sympathetically consider the case of the applicant for appointment against vacancies which may arise in future but the application was dismissed. The applicant now avers that the respondents have floated a notice for making recruitment on 7th April, 1997, as set out in annexure 'C' to the application, where type test was made compulsory. It is his averment that no type test was made compulsory before the initial selection, but the said test was to be held after one is appointed. The applicant filed a representation on 16.9.1997 to the Regional Director, Employees' State Insurance Corporation, Calcutta, but no action was taken by them. Hence the petition.

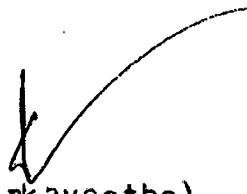
3. The respondents have contested this case by filing a reply

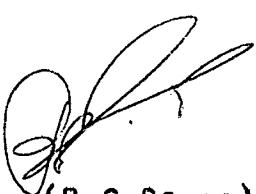
4. We have heard the ld.counsel for both the parties, perused the records and considered the facts and circumstances of the case.

5. There is no doubt that this Tribunal had earlier directed the respondents to consider sympathetically the case of the applicant for appointment against the vacancies in the L.D.Clerk. However, the respondents have clarified that vacancies had arisen only in the last year and after that they had published the advertisement in the Employment News. We find that the applicant did not apply at that point of time. He could have easily done so and yet if he was not called for the interview or test, he could have come to this Tribunal for getting appropriate orders. This was not done. The applicant had filed the representation on 16.9.1997 when the test was held on 22.6.1997 and the result was perhaps out. Since the applicant did not apply, obviously no action can be taken by the respondents in the matter. The applicant has now come before us by filing the application on 11.11.1997 when the whole matter has been settled. We have been given to understand that a big panel of 577 names have been prepared and the empanelled candidates are going to be issued appointment letters soon. The applicant cannot go on relying on the direction given by this Tribunal.

that his case should be considered in future vacancies. The term "future" cannot continue for eternity and we also find that the applicant is age barred. In such a situation, we do not find it is a fit case where the Tribunal should intervene. For the above reasons, the application is liable to be dismissed.

6. For the reasons stated above, the application is dismissed. No order is passed as to costs.


(D. Purkayastha)
Judicial Member


(B.C. Sarma)
Administrative Member