

LUCKNOW BENCH

LUCKNOW

O.A. No.163/92.

Dhagwan Das ::::: Applicant

Vs.

Union of India &
Others. ::::: Respondents.

Hon'ble Mr. S. N. Prasad, J.M.

Hon'ble Mr. V.K. Seth, A.M.

(By Hon. Mr. S.N. Prasad, J.M.)

The main grievance of the applicant as mentioned in the application appears to be that despite the fact that his name was registered in Employment Exchange, Gonda, in the year 1991, and despite the fact that he had submitted an application for being considered as a candidate for appointment to the post of E.D.M.P., but his name was not sponsored by the Employment Exchange, Gonda, but on a representation to the authorities, ^{Concluded} ~~the~~ his name was sponsored later on by the Employment Exchange, Gonda. Since no substantial achievement could be made by the applicant from the authorities, ^{Concluded} the applicant approached this Tribunal and by passing interim relief dated 16-4-92 by this Tribunal it was ordered :-

" Any appointment made will be subject to final orders of this Tribunal."

Thus, this being so, it appears from the perusal of records that the respondents did not proceed with the selection proceedings and upto now no appointment has

been made on the aforesaid post by way of selection.

2. The respondents have filed counter-reply and a perusal thereof, inter-alia, shows that the name of the applicant, though was not sponsored by the Employment Exchange, Gonda, previously, but later on his name was also sponsored by employment exchange, Gonda.

3. Rejoinder affidavit also has been filed by the applicant wherein almost all the contentions as set out in the O.A. have been reiterated.

4. The learned counsel for the applicant while drawing my attention to the ^{contents of} application and annexures annexed thereto, has also drawn my attention to the instructions regarding selection of such candidates and regarding preference to be given to S.C. & S.T. candidates in appointment and has also argued that the applicant being S.C. candidate, comes under preferential category and since his name has been later on sponsored by the Employment Exchange, Gonda, he should be considered for appointment for the aforesaid post along-with other candidates whose names have already been sponsored by the Employment Exchange, Gonda.

5. The learned counsel for the respondents has ^{not} controverted the above factual position. However, he has argued that since the name of the applicant was not sponsored at the very out-set by the employment exchange, Gonda, the name of the applicant was not included in the list of the eligible candidates coming under the zone of consideration for appointment to the above post.

6. This is note-worthy that a perusal of Annexure-2 to the O.A. shows that the name of the applicant was registered in the Employment Exchange, Gonda, on 12-12-91. A perusal of Annexure-1 to the O.A. also shows that one application was sent by the applicant on 4-2-92 which bears postal stamp to the ~~Secretary~~ ^{effect}. Thus it is apparent that the name of the applicant has been sponsored by the Employment Exchange, Gonda, subsequently.

7. Thus, from the foregoing discussions and after considering all view points and all aspects of the matter, we find it expedient that the ends of justice would be met if the respondents No.2 & 3 are directed to consider the candidature of the applicant for the aforesaid post, if otherwise found eligible, along-with other candidates, from proper perspective, keeping in view the extant rules and regulations by reasoned and speaking order and to redress the grievance of the applicant ^{~ accordingly ~} within a period of two months from the date of receipt of the copy of this judgement; and we order accordingly. No order as to costs.


ADMINISTRATIVE MEMBER.


JUDICIAL MEMBER.

TSW
Dated: 17/11/93, Lucknow.