

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A.No.28/96

Date of decision : 27-APR-2000.

Atmesh Kumar, son of Shri Jaigovind Singh, resident of village & P.O. Masauraha, via Pliganj, Patna District, P.S. Paliganj, District Patna. ... APPLICANT
By Advocate : Shri S.N.Tiwary.

Vs .

1. The Union of India through the Secretary to the Govt. of India, Ministry of Information & Broadcasting, All India Radio, New Delhi-110 001.
2. The Director General, All India Radio, Akashvani Bhavan, New Delhi-110 001.
3. The Station Director, All India Radio, Patna-800 001.
4. The Programme Executive, All India Radio, Hazaribagh.

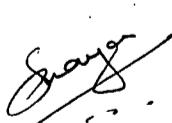
By Advocate : Shri D.K.Jha, ASC ... RESPONDENTS.

C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.
HON'BLE MR. L.R.K.PRASAD, MEMBER (ADMINISTRATIVE).

ORDER DICTATED IN COURT

S.NARAYAN V.C.:- Even though no written statement has been filed on behalf of the respondents, Shri D.K.Jha, Addl. Standing Counsel appearing on behalf of the respondents, submitted that he would prefer to argue the case and defend the cause of the respondents even without written statement. That being as such, we prefer to hear the counsel appearing on behalf of the both the sides on merits.


2. We have heard the counsel on the either side and have also carefully perused the materials on the record.

3. Suffice it to say, that the applicant was one of the candidates for selection to the post of Peon

in the office of the respondents and on his name being sponsored by the Employment Exchange, Hazaribagh, he appeared before the Programme Executive, Hazaribagh, on 6th September, 1991, and he was ultimately, selected by the Selection Committee constituted for the purpose. The name of the applicant appeared at sl.no.5 out of, all told, six candidates empanelled in the select list, vide Annexure-A/3. Since the applicant has not yet been preferred with any appointment even after a lapse of more than eight or nine years, there was the necessity for him to come-up with the instant application.

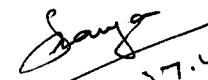
4. Learned counsel for the respondents very emphatically urged that mere empanelment of any candidate in the select list does not give indefeasible right ~~to~~ of appointment, and in this context, he has referred to the decision of the Supreme Court in the case of Rani Lakshmibai Kshetriya Gramin Bank Vs. Chandbihari Kapoor & Ors.; reported in 1998 (7) SCC 469. We would certainly ~~concur with the~~ ^{responsible to} ~~concur with the~~ ^{SC} view and the principles laid down by the Supreme Court in this case and would prefer to apply the same in the instant case. It is true that on the basis of the principles laid down by the Supreme Court, the applicant may not insist any claim of appointment merely on the basis of his name being listed in the select list, but in this context, we would certainly say that when he has been enlisted and he had the grievance that some other persons not in the



list have been appointed on the post for which a select list had been prepared and, to that effect, representations also have been filed from time to time, we are of the view ^{some} that the respondents were under obligation to examine his case and to apprise him with the result thereof.

5. In view of what has been observed above, we dispose of the instant OA with direction upon the respondents to examine the case of the applicant on the basis of his pending representation and to apprise him with the result thereof. We, however, express no opinion on the individual merits of the case. There shall be no order as to costs.


(L.R.K. FRASAD)
MEMBER(A)


27.4.2000
(S.N. NARAYAN)
VICE-CHAIRMAN.