

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.Nos.807 & 808/2001

Dated this Tuesday the 2nd Day of March, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastry, Member (A)

Krishna B. Gaonkar,
residing at 2, Girgol Mendonza
House, Kanjur Village,
Bandup (E), Mumbai-400042.

.. Applicant in
OA 807/2001

Sandeep C. Pednekar,
residing at Happy House,
Building No.1/09, G.K. Road,
Naigaon, Dadar, Mumbai-400014.

.. Applicant in
OA 808/2001

(By Advocate Smt.S.S. Marne)

Versus

1. Union of India, through
Secretary, in the Ministry
of Finance, Department of
Revenue, North Block,
New Delhi.
2. Commissioner of Customs,
New Custom House, Ballard
Estate, Mumbai.

.. Respondents
in OA 807/01
& OA 808/01.

(By Advocate Shri V.D. Vadhavkar holding
the brief of Shri M.I. Sethna)

ORDER (Oral)
{ Per : Shanta Shastry, Member (A) }

In both these O.A.s the applicants are aggrieved
that though they have been selected through proper
selection procedure, they have not been issued the
appointment order.

2. On being sponsored through the Sub-Regional Employment Exchange, as part of the selection process, the applicants were asked to report for a trade test, after passing the trade test held on 30.5.2000. The applicants were called for an interview alongwith all original certificates of educational qualification etc. Thereafter after being duly selected they were given an offer of appointment vide letter dated 14.7.2000. It was stated in this letter that the applicant is one of the selected candidates for appointment in cadre of Liftman in the pay scale of Rs.3050-4590/- and other allowances as admissible from time to time. The conditions for appointment were detailed below in the said letter itself. It was informed that if the candidates accepted the offer of those conditions they may fill the enclosed form and forward them to the office. After receipt of the letter for medical examination they were to approach the medical authority mentioned in the letter for medical examination. It was stated that the necessary orders of appointment will be issued only after medical examination and verification of character antecedents. The applicants conveyed their willingness for the offer of appointment immediately on 28.7.2000. They waited then for actual appointment letter but they have not received any letter so far.

3. The respondents in their reply did not deny that the applicant are selected for the post of Liftman. However, they expressed their inability to give appointment order because there was an existing ban on filling up of vacant post, in terms of Ministry of Finance letter dated 11.8.1999. As per this letter dated 11.8.1999 which has enclosed another letter dated 5.8.1999 it has been provided therein that every Ministry / Department shall undertake a review of all posts which are lying vacant in the Ministry / Department and in the attached and subordinate offices, etc. in consultation with the Ministry of Finance (Dept. of Expenditure). FAs will ensure that the review is completed in a time bound manner and full details of vacant posts in their Ministries etc. are available. Till the review is completed no vacant posts shall be filled up except with the approval of the Ministry of Finance (Department of Expenditure). Accordingly the Commissioner of Customs (G), Mumbai sent a proposal to the Ministry on 14.9.2000 seeking permission to fill up the vacant posts of Liftman, Sepoy, Examiner, Preventive Officers, LDCs and Jr.Hindi Translators for which details regarding vacancy position were brought out in the letter. Till now there has been no response to this letter. This was followed up with reminders but no reply has been received and therefore, the applicants cannot be given the letter of appointment.

4. Although the applicants have been selected, they have no right for appointment. All the same we note that the respondents themselves were anxious to fill up the posts and have not denied that the applicants were duly selected. Since its a policy matter and there was a ban, the only directions we can give in the circumstances are that the Ministry of Finance would give a reply to the letters dated 14.9.2000 of the Commissioner of Customs. Accordingly we direct that a decision ~~may~~ be taken ^{and communicated} on the proposal sent by the Commissioner of Customs Mumbai in regard to filling up of the vacancies in the Customs House as brought out in the letter dated 14.9.2000 within a period of 2 months from the date of receipt of copy of this order. Both the OAs disposed of accordingly, with no order as to costs.

(Smt. Shanta Shastry)
Member (A)

(Birendra Dikshit)
Vice Chairman.

H.