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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
JAIPUR.

Date of decision: 17.1.90

O.A.797 of 1988

Ramavatar Mangal
Mr. Prahlad Singh

Applicant the
Counsel for/applicant

VERSUS

Commander, Nirman Abhiyanta
ka Karyalaya & another
Mr. N.C.Choudhary

Respondents
Counsel for the respondents

CORAM:

THE HON'BLE MR.KAUSHAL KUMAR
THE HON'BLE MR.S.R.SAGAR

VICE CHAIRMAN
JUDL. MEMBER

KAUSHAL KUMAR

In this Application the grievance of the applicant is that although his name was sponsored by the Employment Exchange, Kota for the post of Mazdoor and he was interviewed by the respondents on September 24, 1987, he had not been given appointment. On the other hand he received a communication from the respondents dated 19.10.88 filed as Annexure-A.1 to the Application informing him that all the individuals selected for the post of Mazdoor had joined duty and that his name kept in the waiting list had been deleted in accordance with Govt. orders. The learned counsel for the applicant contends that the communication dated 21.12.87 requiring the applicant to attend the office of the respondents on December 26, 1987 was in fact received by the applicant on 31.12.87 and he appeared on 1.1.88 when he submitted his original testimonials etc. Even then he had not been offered appointment to the post of Mazdoor. It is further contended by the learned counsel that the action of the respondents in not offering appointment to the applicant was mala fide inasmuch

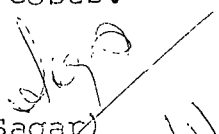
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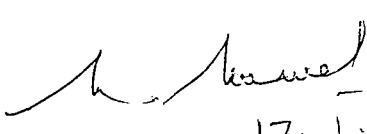
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as other persons who had been interviewed and selected along with the applicant had been appointed.

2. The case of the respondents is that the applicant had been interviewed on 24.9.87 and he was selected for the post of Mazdoor but his name was put at serial No.10 in the select panel. It has been stated in para 8 of the counter reply filed on behalf of the respondents that 10 persons were appointed out of whom four were from the general category, two against the vacancies reserved for Scheduled Castes, two reserved for Scheduled Tribes and two reserved for ex-service men. The learned counsel for respondents Shri Choudhary has clarified at the time of arguments that in fact six persons were appointed from the general category and in all fourteen appointments were made including those belonging to the reserved categories. The applicant admittedly belonged to the general ~~xx~~ category. We have seen the panel and are satisfied that the name of the applicant was placed at serial No.10. Admittedly no person placed below the applicant in the panel has been appointed in the general category. As such, the applicant had no legal right for appointment. The Application fails and is accordingly rejected with no order as to costs.


(S.R.Sagar)
Judl.Member 17/1/90


17.1.90
(Kaushal Kumar)
Vice Chairman