

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1528/95

DATE OF ORDER : 23-02-1998.

Between :-

N.Ramu

... Applicant

And

1.Vaidyut And Yantrik Engineer,
Abhilek Karyalaya, EME Records,
Secunderabad - 500 021.

... Respondent

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Counsel for the Applicant : Shri A.Satya Prasad

Counsel for the Respondent : Shri V.Rajeshwar Rao, CGSC

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CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : VICE-CHAIRMAN (ERNAKULAM BENCH)

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri A.V.Haridasan, Vice-Chairman).

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(Order per Hon'ble Sri A.V. Haridasan, Vice-Chairman).

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The applicant was one of the persons who attended the interview for selection to the post of Peon under the respondent on 11-7-94 having been sponsored by the Employment Exchange. He belongs to Scheduled Caste Community. Along with some other selected persons his name was also included in the panel for appointment and he was directed to produce testimonials in original which he produced. His case was referred to the Police for verification of his character and antecedents. Eventhough the Police report was received, the applicant was not appointed. The representations made by the applicant claiming appointment were not replied to. Under these circumstances, the applicant has filed this application for a direction to the respondent to appoint the applicant on the post of Peon in the respondent's office.

2. The applicant has alleged that he came to know on enquiry that the appointment is being withheld on account of a doubt regarding the genuineness of the sponsorship by employment exchange of certain candidates and has concluded that as there was no doubt at all in his case there is absolutely no justification in not appointing him.

3. The respondent in the reply statement admits that the applicant was selected for appointment as a Peon in one of posts reserved for SC. The action of the respondents in not appointing the applicant is sought to be justified for the following reasons :-

After selection was over Sri Malla Reddy, Employment Officer (Clerical), Hyderabad went to the respondents office and complained that three lists containing 20 names in all of general candidates were bogus lists. Eight of the candidates placed in the panel were from these lists. Explaining this, the respondents addressed the army Headquarters for permission for appointment of the selected candidates from the genuine list by a letter dt.17-4-95, but the army headquarters wide letter dt.26-4-95 informed the respondent that the release of the vacancies has been cancelled.

Under these circumstances the respondent concludes that the applicant has no legitimate cause of action.

4. We have perused the pleadings and other material in this case and heard learned counsel appearing on either side. It is well settled by now that mere inclusion in a select list does not confer on any individual right to be appointed on a post but it is equally settled that a person who has been placed in the panel for appointment acquires a right to be appointed unless a conscious decision has been taken by the government for a valid reason not to fill up the vacancies or if the individual is otherwise unsuitable for such appointment. In the reply statement the respondent made vague contention that there was a ban on recruitment and this ban was overlooked when the letter dt.9-5-1994 releasing the vacancies was issued. We are not persuaded to accept this contention. In the letter dt.9-5-94 of Army Headquarters copy of it is produced as Annexure to the O.A. in the material papers by the respondent it has been specifically stated that in regard to the filling up of 14 posts the ban has been relaxed by the government. Therefore it is

not possible to accept the vague contention in the reply statement coming from the respondent that there has been a mistake in initiating the action overlooking the ban. The recruitment action was therefore taken as the ban was relaxed. The applicant, a person belonging to the Scheduled Caste category was sponsored by the employment exchange and he has been duly selected for appointment on the post of Peon. There is not even a doubt regarding the genuineness of his sponsorship. Therefore there is no justification for not appointing him on the post if he is not otherwise unsuitable and therefore the letter from the Army Headquarters which reads as follows :-

"(1) Reference to your letter No.8612/1/29/Civ Est
dt.17-4-95 ;

(2) Our letter No.15973/REL/Org 4 (Civ)(b)
dt.9-5-94 may please be treated as
cancelled"

cannot be accepted as a conscious decision taken by the competent authority not to fill up the post for valid reason.

5. In the result, the application is allowed. The respondent is directed to take up further steps in regard to the appointment of the applicant as a Peon and to make his appointment if he is otherwise not unsuitable for such appointment if necessary seeking and getting approval of the competent authority on the basis of this order within a period of three months from the date of receipt of a copy of this order.

6. No order as to costs.

(H. RAJENDRA PRASAD)
Member (A)

(A.V. HARI DASAN)
Vice-Chairman (Ernakulam Bench)

avl/

Dt.23-2-98 (Dictated in open court)

Deputy Registrar

G. 1/28
17/3/98

I Court

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COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE AV Haridasan
VICE-CHAIRMAN (Enakulayan Bench)

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 23-2-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. 1528 in 95

T.A.No.

Q.W.R

Admitted and Interim directions
Issued.

Allowed.

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

