

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.176/96

Date of Order: 10.4.96

BETWEEN:

K.Sambamurthy

.. Applicant.

A N D

1. The Admiral Superintendent,  
Naval Dockyard,  
Visakhapatnam.

.. Respondent.

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Counsel for the Applicant

.. Mr.S.Kishore

Counsel for the Respondent

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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The applicant who was working as S.K. Gr-I under the respondent applied for the post of Foreman (Life Raft Rader Cell) (Tailor) in Naval Dock Yard for direct recruitment. This notification was issued wayback in            November 1987. He was informed by letter No.PIR/0123/TSS dated 6.7.88 to appear for written examination along with certain documents. The notification issued TSS not enclosed as annexure to the OA

2. It is stated that he appeared for the examination and <sup>it</sup>is also stated that he was selected, but he was not appointed as Foreman. He was informed by Annexure-<sup>letter</sup>2 dated 26.11.90 that the <sup>advertised</sup>           post was not to be filled for reasons stated

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in the letter. However he went on pursuing his case for appointment as Foreman. He was informed <sup>finally</sup> by the impugned letter No. PRI/0212/TSS/IRRC dated 27.7.95 (A-3) that the direct recruitment proceedings had been cancelled keeping in view the functional requirements of the yard.

3. Aggrieved by the above he has filed this OA for setting aside the impugned proceedings dated 27.7.95 (A-3) and for a consequential direction to the respondents to recruit him to the post of Foreman (Life Raft Radar Ceel) (Tailor) in the Naval Dock Yard from the date the applicant appeared for the interview and became eligible thereon with all other essential benefits.

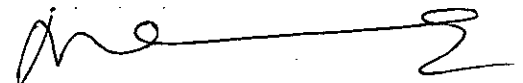
4. The applicant was informed by letter dated 26.11.90 (A-2) that the recruitment action for filling up the post advertised was not pursued further for the reasons stated in the letter. But the applicant states that he went on appealing to the concerned for appointing him to that post. But he was informed by the impugned letter dated 27.7.95 that the reply given on 26.11.90 holds good and that the filling of that post was not considered essential. From the above it will be seen that the cause of action arose as far back as 26.11.90 but the applicant chose to come to this Tribunal only on 23.1.96 after a lapse of over 5½ years. Thus it is obvious that it is a very belated application. On that score itself the application is liable to be dismissed.

5. Further the reasons stated for not pursuing the advertisement for the post of Foreman has been fully explained in the letter dated 26.11.90. A perusal of the letter will indicate that the advertisement is meant for SC candidates. The applicant, being an OC candidate, cannot claim any right to be posted against that post <sup>even</sup> if he is selected. Further the reason given for not pursuing the advertisement for the

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post of Foreman ~~as given~~ in the above quoted letter is convincing. In the impugned letter also it is stated that the advertisement has been cancelled in view of the changed functional requirements of the yard. Nobody can compel the government to post a candidate even if he is empanelled for that post unless there is need to fill up the post. Circumstances will change between the period of written/interview and the actual date when the office order to be issued for appointment on the basis of the selection proceedings. Unless mala fide intension is brought on record for not posting the selected candidate the nonpursual of the advertisement cannot be a cause for challenge.

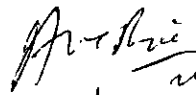
6. In view of what is stated above I find that this OA is devoid of merits. Hence it is dismissed at the admission stage itself. No costs.

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 10th April, 1996

( Dictated in Open Court )

sd

  
Dy. Registrar (J)

custd---

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 10.6.96

ORDER/JUDGEMENT

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

IN

B.A. NO. 176/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS *at admission stage* WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

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