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Date of Decision: 26.7.2000

OA 208/94

Pravesh Kumar, Dinesh Kumar, Poonam Chand, Phool Chand, Prem Chand, Ghanshyam, Gurudayal, Ashwani Kumar, Dilip Kumar and Rakesh Kumar

... Applicants

V/s

1. Union of India through Secretary, Ministry of Defence, Govt. Of India, New Delhi.
2. Engineer-in-Chief, MES, Kashmir House, New Delhi.
3. Commander Works Engineer, Kalyan Marg, Bani Park, Jaipur.
4. Director, Social Welfare Department, Govt. of Rajasthan, near High Court, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicants

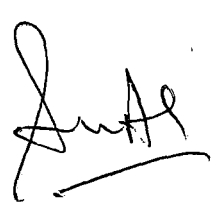
... Mr.Anurag Kulsrestha, ~~proxy~~ proxy  
counsel for Mr.Dharmendra Agarwal

For the Respondents

... Mr.Hemant Gupta, proxy counsel  
for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

 In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer for a direction to the respondents to call the applicants for interview for recruitment to the post of Class-IV (Carpenter, Mazdoor, Chowkidar & Safaiwala) as per their qualifications, and a further direction to the respondents to restrain them to give back door entry by taking interviews which have been taken on 22/23.3.94 for the said recruitment and not to give appointment to those incumbents against the 10 vacancies.

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(16)

2. The case of the applicants in brief is that the respondents have not called the applicants for interview for the posts of Class-IV (Carpenter, Mazdoor, Chowkidar & Safaiwala) in spite of the fact that for the said posts applicants have been called for interview twice and the respondents on 22/23.3.94 have arbitrarily called the names from Employment Exchange, Ajmer, for giving appointment on the said posts and those persons have been interviewed and appointments are likely to be issued in near future ignoring the legitimate claim of the present applicants.

3. Reply was filed. It is stated in the reply that a special recruitment drive was launched to fill up the posts of Carpenter, Mazdoor, Chowkidar & Safaiwala by 31.3.94 as per the instructions issued by the headquarters, the Chief Engineer, Southern Command, Pune, and in pursuance of the instructions, requisition was sent to the Employment Exchange, Jaipur/Kota/Ajmer/Alwar and the Social Welfare Department for sponsoring the eligible candidates for conducting the interviews from 25.11.93 to 27.11.93. It is stated that list of adequate candidates was received by them from the Employment Exchanges and the Social Welfare Department but it was objected by the Employment Exchange, Jaipur, on the ground that the Social Welfare Department was not authorised to sponsor SC/ST candidates for employment in Central Government offices. The matter was taken up with the higher authorities for clarification and on receipt of clarification from the AG's Branch the applicants were denied to be interviewed as they were sponsored by the Social Welfare Department only. It is stated that since adequate number of candidates sponsored by the Employment Exchanges were available as per the

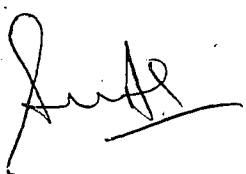
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requirement, the interview letters were dispatched to all such candidates sponsored by the Employment Exchanges for conducting the interview on 17.3.94, 18.3.94, 19.3.94, 21.3.94 and 23.3.94. It is stated that the candidates sponsored by the Social Welfare Department were called for interview in November, 1993, before the clarification from the AG's Branch was received. Therefore, the applicants have no case for interference by this Tribunal and this OA ~~is~~ is devoid of any merit and liable to be dismissed.

4. A separate reply is also filed by respondent No.4 i.e. Social Welfare Department, Government of Rajasthan, Jaipur, which is on record.

5. Heard the learned counsel for the parties and also perused the whole record.


6. The matter pertains to the selection on the posts of Class-IV (Carpenter, Mazdoor, Chowkidar & Safaiwala) of the year 1993. In the reply it has been made very clear that after seeking clarification from AG's Branch the applicants were denied to be interviewed as they were sponsored by the Social Welfare Department only and the candidates sponsored by the Employment Exchanges were called for interview to be held on 17.3.94 to 23.3.94. We do not find any infirmity/arbitrariness/illegality in the action of the respondents in not calling the applicants for interview for selection on the posts of Class-IV (Carpenter/Mazdoor/Chowkidar/Safaiwala). Moreover, this matter pertains to the selection of the year 1993, which has already been over and the persons selected in pursuance

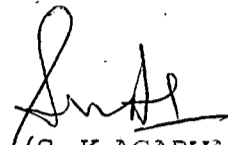


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of the selection have also been appointed on the post.  
Therefore, we do not find any merit in this OA and this  
OA is liable to be dismissed.

7. We, therefore, dismiss this OA with no order as to  
costs.

  
(N.P. NAWANI)  
MEMBER (A)

  
(S.K. AGARWAL)  
MEMBER (J)