

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

DATE OF ORDER: 1/6/2001

OA 627/96

Makholi Ram son of Shri Jai Dev Ram aged about 32 years, working as Chowkidar in Employment under Garrison Engineer Karyalaya, Kota. (MES 1955156).

....Applicant.

VERSUS

1. Union of India through the Engineer Chief of Army Headquarter, New Delhi.
2. The Chief Engineer Southern Command, Military Engineering Service, Pune.
3. The Commander Work Engineer (AF), Bhuj (Kutch).
4. The Garrison Engineer Military Engineering Services, Kota.

.... Respondents.

None present for the applicant.

Mr. Arun Chaturvedi, Counsel for the respondents.

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

HON'BLE MR. A.P. NAGPATH, MEMBER (ADMINISTRATIVE).

ORDER


PER HON'BLE MR. A.P. NAGPATH, MEMBER (ADMINISTRATIVE)

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The applicant has filed this OA with the prayer that the respondents be directed to appoint him to the post of Meter Reader within a reasonable time. Earlier in 1987, there was a recruitment for two posts of Meter Reader. The applicant, who was already in the Department, also appeared and he was placed at sl. no. 6 of reserve list. That panel lapsed with the appointment of two candidates. The applicant agitated the matter before this Tribunal by filing OA No. 371/93, which was decided on 1.11.93. While rejecting the prayer of the applicant in that OA, the Tribunal had directed the applicant to file a representation before the authorities and the authorities were directed to consider the aspect of his inability to attend the selection held in 1993 because of having received the telegram in his village sympathetically. The applicant has filed this OA for the reason that he has not been considered for further vacancy. He submits that one vacancy of Meter Reader had been released in Bhuj area in September, 1993. It is stated by the applicant that as per the direction of the Tribunal, he submitted his representation but his case was not considered in the selection in 1993. He was informed by letter dated 8.8.95 that his case will be considered sympathetically and he will be called to appear in the next interview for Meter Reader. His grievance is that no opportunity has been given to him till date. The ground taken by the applicant is that one post was released in September, 1993, he should have been offered appointment and fresh selection should not have been held since he had already been selected in 1987. The applicant has referred to the order of Principal Bench of the Tribunal in a case Nirmal Kumar & Another Vs. Delhi Administration & Another, OA No. 363/89 decided on 30.10.1989, wherein it was held :

"That the rule is once a person is declared successful according to the merit list of selected candidates which is based on the declared number of vacancies, the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change after his name has been included in the list of the selected candidates."

He has also referred to AIR 1984 SC 1831, Prem Prakash Vs. Union of India & Others.



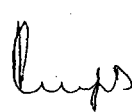
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2. The respondents in their written reply have stated that with the filling up of two vacancies in 1987, that panel had lapsed. The applicant had filed an OA for the same relief but his claim was rejected by the Tribunal. It is stated that vacancies are released area wise and for the Bhuj area, one vacancy was released in September, 1993. The applicant was called for the interview but he did not appear, perhaps under an impression tht he will be offered an appointment based on selection during December, 1987. For this inference, the respondents have referred to the representation dated 9.3.95 made by the applicant. It has been explained that reserve panel is to be operated only if any of the selected candidate fails to join duties but in 1987 both vacancies were filled up by the selected candidates and no further appointment could be made from that panel. The respondents have stated further that no vacancy has arisen after November, 1993 and the occasion to consider the applicant has not arisen.

3. We have heard the learned counsel for the respondents. There was none present for the applicant.

4. The fact whether the applicant could claim to be appointed because of his name having been placed in the reserve list of the panel of 1987, had already come up for consideration before the Tribunal in OA 371/93 and his claim had been rejected. So, the cases cited by the applicant in his written statement are of no consequence to him. This issue is no more open now. It appears that applicant in this OA is now seeking a relief that he should have been considered against the vacancy available in September in 1993, based on that panel of 1987. This plea has absolutely no merit and has already been rejected by the Tribunal. The respondents have clearly stated that after November, 1993, no vacancy has arisen against which the applicant could be considered. In that view, we do not find any substance in this application and the same is liable to dismissed. The applicant can avail of any next opportunity coming his way in his area. Whenever a vacancy arises, he shall have to appear in the selection process.

5. We, therefore, dismiss this OA as without having any merits. No order as to costs.


(A.P. NAGRATH)
MEMBER (A)

(S.K. AGARWAL)
MEMBER (J)