

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 154/2002
T.A. No.

199

DATE OF DECISION 31.10.02

SUKHDEV SINGH

Petitioner

MR.S.S.ALI

Advocate for the Petitioner (s)

Versus

UNION OF INDIA & ORS.

Respondent

Mr.P.C.Sharma, Adv.brief holder for

Advocate for the Respondent (s)

Mr.Sanjay Pareek, for Respdts.No.1&2.

Mr.Rajveer Sogarwal, for Respdts.No.3&4

CORAM :

The Hon'ble Mr. JUSTICE G.L.GUPTA, VICE CHAIRMAN

The Hon'ble Mr. GOPAL SINGH, ADM.MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(GOPAL SINGH)
MEMBER (A)

(G.L.GUPTA)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 31.10.02

OA 154/2002

Sukhdev Singh s/o Shri Bhagwan Singh r/o Village Ludhwara, Post Sogar,
Tehsil Kumher, Distt. Bharatpur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Commandant, Ammunition Depot, Bharatpur.
3. Abhayveer s/o Shri Bada Singh, by caste Jat, r/o Kasoda, Tehsil &
Distt. Bharatpur.
4. Lokendra Singh s/o Shri Kartar Singh, by caste Jat r/o Village
Kanjoli, Tehsil & Distt. Bharatpur.

... Respondents

CORAM:

HON'BLE MR. JUSTICE G.L. GUPTA, VICE CHAIRMAN

HON'BLE MR. GOPAL SINGH, ADM. MEMBER

For the Applicant

... Mr. S.S. Ali

For Respondents No. 1 & 2

... Mr. P.C. Sharma, Adv. brief holder
for Mr. Sanjay Pareek

For Respondents No. 3 & 4

... Mr. Rajveer Sogarwal

ORDER

PER MR. JUSTICE G.L. GUPTA

Respondent No. 2 had issued a notification on 1.8.2001 (Ann.A/1) for filling up seven vacancies for the post of Fireman for the members of Other Backward Classes (OBC). The applicant, who belongs to Lodha community, which is OBC as per the schedule, also applied for the post. A panel was prepared in which name of the applicant was placed at S.No. 11. He was last candidate in the reserve list of four candidates. Appointments were made to the post of Fireman of the candidates whose names appeared at S.No. 1 to 7 in the panel. The name of respondent No. 3 was in the panel of seven candidates and, therefore, he was given appointment. One of the seven selected candidates refused to join and, therefore, respondent No. 4 was also given appointment as his name appeared at S.No. 1 in the reserve list.

2. The grievance of the applicant is that both the private respondents are members of Jat community and they could not be treated as OBC candidates as they belong to Bharatpur District and, therefore, the respondents have erred in giving appointment to them ignoring the claim of the applicant.



3. In the counter, the respondents' version is that the applicant's name appeared at S.No.11 in the panel. Thus, he was the last man of the reserve list. Respondent No.4 being the first man in the reserve list has been given appointment. It is stated that respondent No.3 got appointment because of his name in the panel of first seven candidates. It is not admitted that both the private respondents belong to Bharatpur District. It is averred that they had filed caste certificate, domisile certificate and Employment Exchange Card, in which the address of respondent No.3 was given of Alwar and of respondent No.4 was of Jaipur. It is pointed out in the reply that there are other candidates higher in the panel of reserve list and the applicant cannot challenge appointments of the private respondents when he could not get appointment even when the two respondents were appointed.

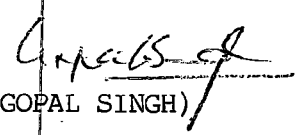
The private respondents have not filed reply.

4. We have heard the learned counsel for the parties and perused the documents placed on record.

5. No rejoinder has been filed refuting the averments made in the reply that respondents No.3 and 4 had filed the documents indicating that they belonged to Alwar and Jaipur. It may be that the two respondents got themselves registered as voters in Bharatpur constituency but that did not debar them from getting appointment as OBC candidates if they are residents of Alwar and Jaipur as per the documentary evidence submitted by them. The applicant has not filed rejoinder controverting the facts stated at para 13 & 14 of the reply. In our opinion, the official respondents have not erred when they treated the two private respondents as residents of Alwar and Jaipur and accepted them as OBC candidates. They have been given appointment on the basis of their placement in the panel. The applicant cannot have genuine cause to assail their appointments.

6. This fact also cannot be lost sight of that even on assuming that if these two private respondents could not get appointment, the applicant does not have a right of appointment. His right of appointment had not crystalised as he was at S.No.11 in the panel. It is evident that the applicant does not have enforceable right to succeed in this OA.

7. Consequently, we find no merit in this OA and dismiss it. No order as to costs.


(GOPAL SINGH)

MEMBER (A)


(G.L.GUPTA)

VICE CHAIRMAN