

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 333 of 2006

Jabalpur this the 3rd day of July, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble, Mr. A.K. Gaur, Judicial Member

Pankaj Sharma son of Rajendra Sharma
Aged about 29 years, R/o Awadh Puri
Colony, Jabalpur (M.P.)

Applicant

(By Advocate – Shri O.P. Sharma)

Versus

1. Union of India,
Through – The Secretary,
Ministry of Labour,
New Delhi (India)
2. Director General of Ministry of
Labour And Employment,
New Delhi (India)
3. Welfare Commissioner,
Government of India,
Ministry of Labour and
Employment, 797 Shantikunj,
South Civil Lines, First Floor,
Jabalpur (M.P.).

Respondents

ORDER(Oral)

By Shri A.K. Gaur, Judicial Member :-

By filing the instant Original Application, the applicant has challenged the order dated 6.6.2006 passed by respondent No.3 intimating the petitioner the desired information in pursuance of his letter dated 23.5.2006 seeking certain information.

2. In pursuance of news items published in Rozgar Nirman (22.5.05/27.5.05) inviting applications for the post of Driver, in the office of Welfare Commissioner, Jabalpur, the petitioner also gave his application for the same. According to the applicant, he was duly qualified and has genuine claim for appointment for the aforesaid

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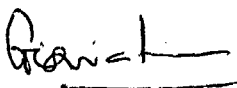
post. The applicant was called for written test, interview and practical test, but he was not found fit and was not appointed on the said post. According to the petitioner, the respondents have committed serious irregularities while conducting the selection and for which a series of complaints were made by the candidates. Despite ~~of~~ meritorious record of the petitioner, he was not selected. There is no dispute that the applicant appeared in the selection for the post of Driver without any demur or protest and in the final merit list dated 22.6.2006 prepared by Deputy Welfare Commissioner, his name was not found in the list of successful candidates. The petitioner has levelled allegation of malafide against the respondents but no specific instance of malafide has been mentioned in the OA. Moreover, the person against whom malafide has been alleged has not been impleaded as one of the respondents by name.

3. It is argued on behalf of the petitioner that due to ill will of the Commissioner, Labour and Employment, Jabalpur, the petitioner could not be selected and as per the choice of the Commissioner the candidates were selected. The petitioner has failed to indicate any cogent ground warranting our interference in the matter.

4. It is settled principle of law that if a person appears in a selection without any objection, demur or protest and if he is not selected, he is estopped from challenging the validity of the selection subsequently on flimsy grounds and this proposition of law has been settled by Hon'ble Supreme Court in the case of **Dr. G.Sharma Vs. University of Lucknow** (AIR 1976 SC 2428) and in the case of **Om Prakash Shukla Vs. Akhilesh Kumar Shukla and Ors.** (AIR 1986 SC 1043).

5. In view of the aforesaid decisions of Hon'ble Supreme Court, the OA is liable to be dismissed. Accordingly, the OA is dismissed in limine at the admission stage itself.


(A.K. Gaur)
Judicial Member


(Dr.G.C.Srivastava)
Vice Chairman