

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 776 of 2005

Indore, this the 17-th day of October, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Phoolchand Yadav, Son of Matapher
Yadav, aged about 42 years, At present
working as Library Attendant in the
College of Dursanchar Inginlyari Sainya,
Telecommunication Engineering, Mhow,
(Madhya Pradesh), District - Indore. ... Applicant

(By Advocate - Shri Nitin Bhati)

V e r s u s

1. Union of India, through - Dte.
Gen. of Signals (Sigs 4(c),
General Staff Branch, Army Headquarters,
DHQ, PO, New Delhi - 110 011.
2. The Commandant, Military College of
Telecommunication Engineering, Mhow,
District - Indore, (Madhya Pradesh).
3. Dursanchar Inginlyari Sainya College,
through Head of the Department,
Military College of Telecommunication
Engineering, Mhow, District-
Indore (MP). ... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has
claimed the following main reliefs :

"(i) the respondents may kindly be directed to
consider the case of applicant and promote or appoint
him to the post of Library & Information Assistant,

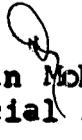
(ii) to direct the respondent No. 2 to consider the
representation submitted by the applicant vide Annex-
ure A-7 sympathetically."

2. The brief facts of the case are that the applicant is
working as a Library Attendant in the College of Dursanchar
Inginlyari Sainya Telecommunication Engineering, Mhow. The
respondents have notified ~~a~~ post of Library and Information
Assistant in the grade of Rs. 5500-9000/- and in this
notification it was mentioned that only those candidates



who are short listed will be called for written examination. The applicant who is working as Library Attendant has no locus standi to approach this Court and seek direction to appoint him by way of promotion on the post of Library & Information Assistant. The said post is required to be filled up by way of direct recruitment as per rules. The applicant has annexed the copy of the recruitment rules which is not the complete set of the recruitment rules. He has annexed only the first page of the recruitment rules and second page consisting of column 8 onwards i.e. with regard to method of recruitment, qualification required for filling up the post, ~~has~~ not been annexed. The learned counsel for the applicant has shown us the copy of the recruitment rules whereby the post of Library & Information Assistant is required to be filled up by 50% by way of direct recruitment and 50% by promotion. These rules are not complete recruitment rules. By no stretch of imagination the applicant who is working as Library Attendant which is three or four levels below the post of Library & Information Assistant can be eligible for promotion to that post. The learned counsel for the applicant has filed Annexure A-5 dated 29th December, 1995 which is only an experience certificate and not a recommendation letter as alleged by the applicant. The case of the applicant cannot be considered for appointment on promotion to the post of Library & Information Assistant without following the recruitment rules.

3. In view of the above, we do not find any merit in this Original Application and the same is liable to be rejected. Accordingly, the OA is rejected at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman