

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 1080 of 2004

Balikpur, this the 16th day of March, 2005

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

Ghanshyam Prasad Patel, S/o. Shri Kunjilal
Patel, aged 45 years, Unemployed, R/o.
House No. 2170, Lal Building Tripuri Chowk,
Garha, Jabalpur (MP).

.... Applicant

(By Advocate – Shri Nidhesh Patel)

V e r s u s

1. Union of India, through the Secretary,
Ministry of Defence (Production),
Government of India, New Delhi.
2. The Director/Chairman,
Ordnance Factories Board,
Kolkatta (West Bengal).
3. The General Manager,
Ordnance Factory, Khamaria,
Jabalpur (MP). Respondents

(By Advocate – Shri Gopi Chourasia on behalf of Shri S.A.
Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member –

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

“(i) quash the letter dtd. 4.11.04 deciding the representation of the applicant by respondents bearing No. 1480/E/GPP/GP-1 Annexure A-7,

(Signature)

(Signature)

(ii) quash the advertisement No. D.A.V.P. 7150(980) 2003 published in 'Rozgar Samachar' dated 10.1.2004 inviting application for the post of Lower Division Clerk,

(iii) to issue appointment order for the post of LDC to the applicant in the light of lifting of ban on advertisement dated 10.1.2004."

2. The brief facts of the case are that the applicant received an interview call letter for the post of LDC from the office of the respondents. He appeared in the written test held on 2.2.1983 and was declared pass. He also appeared in the typing test and for personal interview. The name of the applicant was mentioned at serial No. 24. After selection for the post of LDC the department had provided the prescribed form for police verification and other necessary formalities. The appointment letters were issued to other candidates but unfortunately the applicant could not receive any appointment letter. The applicant filed a Writ Petition before the Hon'ble High Court which was transferred to the CAT and the Tribunal finally decided the Transfer Application No. 88/1986 on 31st March, 1989. The applicant submitted several requests before the concerned authorities and thereafter he filed a CCP No. 16/1999 before the Tribunal which was dismissed vide order dated 28.12.1999. On 10.1.2004 the applicant came to know through advertisement published in 'Rozgar Samachar' that again applications were called for the by the respondents for the post of LDC. The applicant sent his representation on 12.2.2004 to the respondents but the same was not replied. The publication of the aforesaid advertisement for the post of LDC is against the order of the Tribunal passed in TA No. 88/1986. The applicant sent a legal notice on 22.4.2004 but again also not reply was received. Hence, he filed OA No. 614/2004 which was disposed of by the Tribunal by directed the respondents to consider the legal notice of the applicant. By letter dated 4.11.2004 (Annexure A-7) the respondents cancelled the candidature of the applicant. Hence, this Original Application is filed.



3. Heard the learned counsel for the parties and perused the pleadings and records.
4. It is argued on behalf of the applicant that the applicant was selected for the post of LDC as he had appeared in the written test and typing test and cleared the same. Thereafter, the respondents had provided the prescribed form for police verification and other necessary formalities. But the appointment letters were issued to other candidates but not to the applicant. The applicant approached the Hon'ble High Court by way of filing a Writ Petition which was subsequently transferred to the CAT and the CAT decided the TA on 31st March, 1989. The respondents ignored this order and the applicant was compelled to file the CCP. The Tribunal dismissed the CCP. The applicant again sent letters to the respondents but no heed was paid. Thereafter, the applicant filed an Original Application No. 614/2004 which was disposed of with a direction to decide the representation of the applicant. The respondents without considering the representation of the applicant regretted the claim of the applicant vide order dated 4.11.2004. This action of the respondents is arbitrary and illegal. Hence, the OA deserves to be allowed.
5. In reply the learned counsel for the respondents argued that the applicant could not be appointed for the reasons that the validity of the select list expired on 8.10.1984 as the select list was approved by the competent authority on 9.4.1983 and was valid for 18 months from the date of approval. Subsequently, a ban on recruitment had come into force w.e.f. 23.11.1984 by the Government, whereby no further recruitment was made from the said select list. The applicant has not denied these facts and has filed this OA on 2.12.2004. The applicant filed a CCP which was also dismissed by the Tribunal. The action of the respondents is perfectly legal and justified. The applicant cannot claim for the said appointment after the ban was imposed by the Government of India vide order dated 23.11.1984. Thus, the OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records and pleadings we find that the applicant was selected for the post of LDC in the year 1983. This select list was approved by the competent authority on 9.4.1983 and it was only valid for a period of 18 months from the date of approval. Hence, the validity of the select list expired on 8.10.1984. Thereafter the ban on the recruitment has come into force with effect from 23.11.1984 by the Government of India and hence no further recruitment could be made from the said select list. The applicant filed a Writ Petition before the Hon'ble High Court which was transferred to the CAT and the CAT decided the same on 31st March, 1989. Subsequently, the applicant also filed another OA No. 614/2004 and in compliance of this order the respondents have passed the impugned order. We have perused the impugned order and we find that relevant facts and relevant dates are clearly mentioned in this order and this order is passed in accordance with rules and law. The action of the respondents is legally justified and no irregularity or illegality has been committed by them.

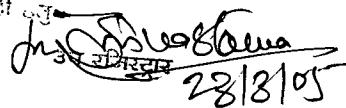
7. In view of the aforesaid, we are of the considered opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.


(Madan Mohan)
 Judicial Member


(M.P. Singh)
 Vice Chairman

*Received
On 23.03.05*

“SA” इकान सं ओ/न्या..... जबलपुर, दि.....
 चत्तिलिंगि लालो दिला.....
 (1) सचिव, उच्च अदायक वारा वारी नियम, जबलपुर
 (2) अधेदक श्री/श्रीमती/यु..... के वारंसल *Re. 1000/- Petition*
 (3) प्रत्यार्थी श्री/श्रीमती/यु..... के दाउसल *Re. 200/-*
 (4) वायपाल, कोराल, जबलपुर, नारी
 सूचना एवं आवश्यक कार्यकारी कु..... *Re. 200/-*


 J. B. Dharwadikar
 28/3/05

*Re. 1000/- Petition
Re. 200/-
Re. 200/-*