

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 614 of 2004

Jabalpur, this the 4th day of August, 2004

Hon'ble Mr. Sarweshwar Jha, Administrative Member  
Hon'ble Mr. Madan Mohan, Judicial Member

Ghanshyam Prasad Patel,  
Son of Shri Kunjilal Patel,  
Aged 45 years Un-employed R/o  
H.No.1027, Lal Building,  
Tripuri Chowk, Garha, Jabalpur(MP)

APPLICANT

(By Advocate - Shri Nidheesh Patel)

VERSUS

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

ORDER (ORAL)

By Sarweshwar Jha, Administrative Member -

Heard the learned counsel for the applicant.

2. The learned counsel for the applicant has submitted that the applicant, on the basis of written test and personal interview held on 2.2.1983 and 22/23.2.1983, had been selected for appointment to the post of Lower Division Clerk. Copy of the merit list prepared on the basis of the said test/personal interview in which the applicant figured at serial No. 24 on merit is placed at Annexure A-1. When the applicant did not receive the offer of appointment for three years, he filed a Writ Petition in the Hon'ble High Court which, on having been remanded to the Tribunal T.A. No. 88/1986 was decided by the Tribunal on 31st March, 1989, among other things, following observations :

"6. ....  
We are of the view therefore that in counting the period of 18 months which is the normal life of the panel the period of ban during which appointment could not be done should be excluded. Hence we direct respondents that the select list or panel (Annexure-R-1) for

the post of L.D.C. prepared on basis of written test and personal interview held on 2.2.1983 and 22/23.2.1983 which has been approved by the General Manager on 9.4.1983 shall remain in force for a period of 18 months from 9.4.1983 excluding the period which the ban on recruitment if any exists."

3. However, the applicant did not receive any offer of appointment even thereafter and therefore he filed a Civil Contempt Petition No. 16/1999 which was decided by the Tribunal on the 28th December, 1999 in which following observations/directions were made :

"5. Prima facie, it appears to us that this CCP is hopelessly time barred inasmuch as the non-compliance is of an order passed on 31.3.1989. However, for the ends of justice, we have gone through the submissions made by the applicant as also the respondent-contemners. It has been submitted by the respondents that the ban on recruitment to the post of LDC has yet not been lifted up. There is no material on record showing that the ban has been lifted. In this view of the matter, we do not find that the respondent-contemners have wilfully disobeyed the order passed by the Tribunal in T.A.A.88/86. The Civil Contempt Petition is therefore dismissed. Notices is discharged."

4. The applicant has not received any offer of appointment till date, even though he has been following the matter all these years. Recently, in the year 2004 the respondents have issued an advertisement inviting applications for recruitment to the post of Lower Division Clerk and other posts in the Rozgar Samachar dated 10-16, January 2004. The applicant, from this advertisement, inferred that the ban on recruitment to the post of Lower Division Clerk has been lifted by this advertisement. He therefore, represented in the matter to the General Manager, Ordnance Factory, Khamaria, Jabalpur vide his letter dated 12th February, 2004 (Annexure A-5). He has also got a legal notice served on the respondents dated the 22nd April, 2004 in the matter (Annexure A-6). He has, however, not received any reply from the respondents so far and hence the Original Application.

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5. Having considered the facts of the case and also the fact that very specific directions have been given by the Tribunal in its orders in TA No. 88/1986 and also in CCP No. 16/1999 and the fact that the case of the applicant for appointment against the post of LDC should have been considered in the event of ban on the recruitment having been lifted by the respondents, we are of the considered opinion that this Original Application can be disposed of at the admission stage itself with a direction to the respondents to consider the representation/legal notice as served on them by the applicant in the matter and as having been pending with them and also this OA, treating the same as a supplementary representation of the applicant, in the light of the decisions of the Tribunal as referred to hereinabove with reference to the relevant rules and provisions on the subject and dispose them of by issuing a speaking and reasoned order as per law within three months from the date of receipt of copy of this order.

Ordered accordingly.

6. After the above have been dictated, the learned counsel for the applicant has made a request that till his case has been considered and decided, the recruitment to the post of LDC as advertised vide the notice as referred to above may be kept pending. This has been considered, but we have not found it appropriate to issue any such direction, as the said advertisement relates to recruitment to a very large number of posts, whereas the case of the applicant relates to his own appointment against the post of Lower Division Clerk only. However, the respondents shall ensure that a post of Lower Division Clerk is kept apart for the applicant till such time his case has been considered and decided.

(Madan Mohan)  
Judicial Member

"SA"

(Sarveshwar Jha)  
Administrative Member