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**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 714 of 2004**

**Jabalpur, this the 4<sup>th</sup> day of August, 2005**

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

Aloysius Beenu Michael, S/o. Shri  
K.M. Michael, aged about 25 years,  
R/o. H. No. 17, Banarasi Das Building,  
Azad Nagar, Ranjhi, Jabalpur.

.... Applicant

(By Advocate – Shri S. Paul)

**V e r s u s**

1. Union of India, through its Secretary,  
Ministry of Defence, New Delhi.
2. The Director General, Infantry-6 (Pers.),  
General Staff Branch, Army Headquarter,  
DHQ P.O., New Delhi – 110011.
3. The Commandant, Officer-in-Charge,  
J & K Rifles, Jabalpur.
4. The Sr. Record Officer, J & K Rifle,  
Jabalpur.
5. The Commandant, College of Material  
Management, Post Box No. 3, Jabalpur. .... Respondents

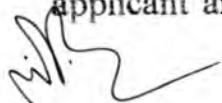
(By Advocate – Shri P. Shankaran)

**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 :

“(ii) command the respondents to forward the application of the applicant and issue NOC to the applicant to apply for the post of



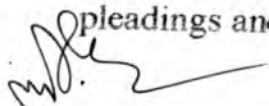
Stenographer Grade-III and other suitable post in other establishment.

(iii) kindly pass a stricture against the respondent No. 3 & 4 for not forwarding the application of the applicant inspite of the order/direction of the respondent No. 2."

2. The brief facts of the case are that the applicant was ~~initially~~ appointed as Lower Division Clerk in the pay scale of Rs. 3050-4590/- in the office of the respondent No. 3. The respondent No. 5 i.e. College of Material Management, Jabalpur has issued notification dated 29<sup>th</sup> May, 2005, whereby the post of Stenographer Grade-III was notified. The applicant has submitted his application through proper channel. However, the respondents Nos. 3 & 4 did not forward the application of the applicant. It is because of this reason that the applicant has approached the Tribunal claiming the aforesaid reliefs. The Tribunal vide its order dated 31<sup>st</sup> August, 2004 directed the respondents Nos. 3 and 4 to issue provisional No Objection Certificate (in short NOC) in favour of the applicant so that he could appear in the said selection conducted on 2<sup>nd</sup> September, 2004. The respondent No. 5 was also directed to permit the applicant to appear in the said selection. The counsel for the applicant has submitted that the applicant participated in the said selection held on 2<sup>nd</sup> September, 2004.

3. The respondents in their reply have stated that the applicant was appointed on probation on 25<sup>th</sup> September, 2001 for a period of two years. The applicant was confirmed on 25<sup>th</sup> September, 2003. The applicant requested on 7<sup>th</sup> June, 2004 for issue of NOC to appear in the selection conducted by the respondent No. 5 i.e. College of Material Management, Jabalpur, for the post of Stenographer Grade-III. The application of the applicant was considered but it was not accepted as there was deficiency of manpower in the establishment of respondents Nos. 3 & 4.

4. Heard the learned counsel for the parties and carefully perused the pleadings and records.

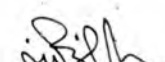


5. During the course of arguments the learned counsel for the applicant has drawn our attention towards Annexure A-2 i.e. the letter dated 21<sup>st</sup> July, 2004 issued by the Director General of Infantry/Inf-6(Pers), General Staff Branch, Army Headquarters, New Delhi, whereby it was directed to the Records, the J & K Rifles i.e. respondents Nos. 3 & 4, to issue NOC to the applicant. Despite clear direction given by the higher authorities, the respondents Nos. 3 & 4 have withheld the NOC of the applicant on the ground that there is deficiency of manpower in their establishment. According to him, the applicant has been issued the NOC provisionally in pursuance to the interim direction given by the Tribunal and the applicant has also participated in the selection but his result is kept in the sealed cover as directed by the Tribunal as in interim measure.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that as per the direction of the Tribunal the applicant has been issued the provisional NOC and he has also participated in the selection. The contention of the respondents Nos. 3 & 4 that NOC cannot be given on the ground that there is shortage of manpower in their establishment <sup>can</sup> ~~is~~ not <sup>be</sup> accepted and is rejected. The respondents Nos. 3 & 4 are directed to issue a clear NOC in case the applicant is found suitable after the sealed cover is opened. The respondent No. 5 is also directed to open the sealed cover and if the applicant is found suitable, steps be taken to appoint him in accordance with rules and law.

7. In view of the aforesaid, the Original Application stands disposed of. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman