

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.100 of 2003

Jabalpur, this the 9th day of April, 2003.

Hon'ble Mr. R.K.Upadhyaya, Member (Admnv.)
Hon'ble Mr. A.K.Bhatnagar, Member (Judicial)

Udayraj Singh S/o Shri Ram Charan Lal, aged about 24 years, R/o Village Senthri Ka Pura, PO Air Force Station, Maharajpur, Tahsil and District Gwalior, M.P.

-APPLICANT

(By Advocate- Mr. Rohit Arya)

Versus

1. Union of India through the Secretary, Ministry of Defence, South Block, New DELHI.
2. Central Air Command, Bamroli, Allahabad through its Commanding Officer.
3. The Commanding Officer, Air Force Commanding Air Force Station, Maharajpur Gwalior-470020, M.P.

-RESPONDENTS

O R D E R

By R.K.Upadhyaya, Member (Admnv.):

This application has been filed by the applicant seeking a direction to the respondents to provide employment to the applicant on the post of Cook (Group 'C' post) being land oustee as also for the post on which he was interviewed and selected.

2. The learned counsel for the applicant states that the applicant is matriculate and resident of Village Senthri Ka Pura District Gwalior. The applicant's family owns land, which was compulsorily acquired for expansion of Air Force base at Maharajpur in the year 1984-85.

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It is the case of the applicant that certain instructions were issued on 8.12.1983 to the effect that person whose land was acquired for State purposes, shall be provided with employment on priority basis. The land belonging to the applicant's family was acquired, as can be seen from the certificate dated 11.3.1987 (Annexure A-2) issued by the Land Acquisition Officer, Gwalior. The learned counsel states that the applicant was called for interview on 25.10.2001 as per letter dated 27.9.2001 (Annexure A-5). However, no appointment letter has been issued to him so far. The learned counsel also stated that even police verification was conducted, as can be seen from the letter dated 08.01.2002 of Additional District Magistrate, Gwalior (Annexure A-8). Since the applicant was not getting offer of appointment, a notice dated 12.04.2002 was sent by the applicant to the respondents. The respondents vide their letter dated 23.4.2002 (Annexure A-8A) have confirmed that "he has appeared before the board held on 25.10.2001 and has been selected by the Board. But he did not come in the merit for the post of Cook. Since he was a selected candidate, he was called alongwith other main candidates to fill in attestation forms for character and antecedents verification by civil police." The learned counsel, however, stated that there are several posts still vacant and if the applicant was selected, he should be considered for appointment even at this stage.

3. After hearing the learned counsel for the applicant, we find that no relief can be granted to the applicant. Even though, there is no mention as to how many posts were to be filled-up, when the applicant's case was considered, but the categorical statement by the respondents vide

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their letter dated 23.4.2002 (Annexure A-8A) that he did not come in the merit for the post needs. We do not find any *prima facie* material to interfere. The applicant had been given opportunity, and he was allowed for tests and interview. Merely because some attestation forms were got filled-up and were sent for police verification does not mean that the applicant must be given an appointment. Since the applicant had applied to a post of civilian in Air Force Station, it was necessary for the respondents to get his character and antecedents verification so that if the applicant was ultimately selected, the appointment could take place early. However, if the applicant is not in the selected list, the character verification only does not give him any right of being appointed. We have also considered the claim of the applicant's learned counsel regarding vacancies, which have been further advertised subsequently. If the applicant wants, he can still appear and can be considered. It is not the case that the respondents have prevented him for being considered against the fresh vacancy. In any case, we do not find any justification to interfere at this stage. Therefore, this application being devoid of any merits, is rejected at the admission stage itself without any order as to costs.

Ch. Bhatnagar

A.K. Bhatnagar
Member (Judicial)

R.K. Upadhyaya
Member (Admnv.)

पूर्णकाल सं. लो/न्या..... जनरल, दि.....
परिवर्तनी विवरण दिए गए
(1) राज्य सरकार, जनरल एवं विवरण दिए गए
(2) अ. एवं विवरण दिए गए
(3) अ. एवं विवरण दिए गए
(4) राज्य सरकार, जनरल एवं विवरण
दूसरा दो आवश्यक कार्ड दिए गए

Ch. Bhatnagar
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