

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 526 of 2003

Jabalpur, this the 18th day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

1. Uttam Kumar, son of Arun Kumar Majumdar
aged 30 years Resident of Barha, Rani
Durgawati Samadhi Road, District
Jabalpur.
2. Shailendra Singh Gautam, Son
of Ram Baks, aged 32 years
Resident of H.No.150 Near
PNT Colony R.K. Puri Thatipur
District Gwalior

APPLICANTS

(By Advocate - Shri M.Singh)

VERSUS

1. Union of India through the
General Manager Western Railways,
Church Gate Mumbai.
2. The General Manager, Western
Railways, Church Gate,
Mumbai(Maharashtra)
3. The Chairman, Railways Recruitment
Boards, First Floor, metergaga
Railway Station,
Ahemadabad(Gujrat)

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

In this case the respondents have not filed the reply. However, with the consent both the learned counsel for the parties, we are disposing ^{of} this case.

2. The above application is filed by the applicants seeking relief to quash the order dated 4.4.2003 (Annexure-A-1) passed by the respondent No.2. Further relief for direction to the respondents to issue appointment orders in respect of the Applicants on the post of Health Inspector(Rs.5500-9000) along with the seniority and other ~~pecuniary~~ benefits w.e.f. 17.12.99.

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3. The brief facts of the case are that the respondents had issued a notification to fill up the post of Health Inspector vide notification dated 27.2.99 (Annexure-A-4). The applicants had applied for the said post and they were qualified and they were called for interview. Subsequently the applicants have selected for the post of Health Inspector and issued a letter dated 17.12.99 and also 17.12.99 at Annexure-A-7 and Annexure-A-8 respectively informing that an offer of appointment will be issued by Division/unit concerned, provided you are suitable.
4. Subsequently they come to know that the selection list has been prepared and other candidates received appointment order and they have reported ^{for} ~~to~~ duties. Some candidates who did not select under the said selection process, they had approached Jaipur Bench of this Tribunal in OA No. 593/2001 and also this Tribunal in OA No. 289/02 ^{these are} ~~decided~~ on 2.7.02 and 10.4.03 respectively, allowing the application ^{and} ~~directing~~ the respondents to give an order of appointment ^{ep.} to the applicant.
5. Since the applicants could not receive the appointment order, they had submitted their representations to the respondents vide Annexure-A-9 and Annexure-A-10. Then the respondents have issued the impugned order dated 4.4.03 (Annexure-A-1) by which the valid selection list has been expired after one year from the date 15.12.1999. Hence there are no vacancy available therefore the case of the applicant is not considered.
6. Heard the learned counsel for the applicants and respondents.


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7. The learned counsel for the applicants has submitted that the respondents are denying the appointment to the applicants. Hence the facts of this OA and facts of the aforesaid OAs are similar. Hence the applicants approached this Tribunal for grant of relief in this OA.

8. After hearing both the counsel, we are of the view ^{that} the facts of the OA No.289/02 passed on 10.4.03 by Jabalpur Bench and OA No.593/01 passed on 2.7.02 by Jaipur Bench of this Tribunal, the present case ^{is} fully covered under the aforesaid judgment of the Tribunal.

9. The OA is allowed. The respondents are directed to consider the case of of the applicants on the post of Health Inspector according to the orders mentioned above, if the applicants are eligible under the said selection within a period of 2 months, against the available vacancy, from the date of receipt of a copy of this order. No costs.


(G. Shanthappa)
Judicial Member

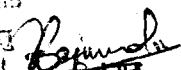

(M.P. Singh)
Vice Chairman

SKM

Issued
by
5/11/04

प्रकाशित सं. १०/११/०४
रजि. सं. १०/११/०४
(1) उपाध्यक्ष, न्यायाधीश, न्यायाधीश, न्यायाधीश
(2) अध्यक्ष, न्यायाधीश, न्यायाधीश, न्यायाधीश
(3) प्रमुख न्यायाधीश, न्यायाधीश, न्यायाधीश
(4) न्यायाधीश, न्यायाधीश, न्यायाधीश, न्यायाधीश
सूचना एवं आवश्यक कार्रवाई के लिए

M. N. Bhatnagar, Adm.
M. N. Bhatnagar, Adm.


5/11/04