

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 538 of 2003

Jabalpur, this the 22nd day of August, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Chakresh Kumar Jain
S/o Shri P.C. Jain,
aged about 42 years,
R/o House No. 2127, Tripuri
Chowk, Post Garha
Jabalpur, (M.P.)

APPLICANT

(By Advocate - Shri Rajesh Maindretta)

VERSUS

1. Union of India through
The Director General,
Indian Council of Medical Research,
Ansari Nagar, P.B.No. 4911,
Near AIIMS, New Delhi 110 029

2. The Director,
Regional Medical Research Cent-re
(ICMR) Post Office Garha Purwa,
Jabalpur 482 003

3. The Director, Malaria Research Centre,
22, Shamnath Marg,
New Delhi 110 054

4. The Officer-in-Charge,
Malaria Research Centre
Field Station (Earlier IDVC Mission)
Medical College Building,
Jabalpur (MP)

RESPONDENTS

ORDER (ORAL)

By D.C. Verma, Vice Chairman(Judicial) -

By this Original Application the applicant has
prayed appointment on the post of Driver in the
e-stablishment of the respondent No. 2.

2. The facts of the present case are that the applicant
was initially engaged as a Driver on 24.04.1986, but was
transferred to some other place. The applicant did not
join the place of transfer, so his services were termi-

nated on 31.07.1987. The termination order was challenged by the applicant by filing a Writ Petition No. 767/1988 before the Hon'ble High Court. The Hon'ble High Court did not quash the termination order but directed that the applicant shall give in writing before the authority and the authority shall sympathetically consider for his appointment at the place of his transfer. The applicant submitted in writing but was not given appointment. Consequently he filed another Writ Petition before the Hon'ble High Court which was transferred to this Tribunal and was registered as TA No. 13/1999. Subsequently in this case also the applicant challenged the termination order dated 31.07.1987 and prayed for directing the respondents to take him back in service. The Tribunal while deciding the Transfer Application directed the applicant/submit a fresh representation and the respondents to consider the applicant for appointment if there is any scope of giving temporary or daily wage appointment to the applicant on the post of Driver. The direction was that the respondents shall consider for giving such appointment. 3 vacancies came up and the applicant alongwith others were considered, but the applicant was not taken and the post was filled up by others. The respondents have now by communication dated 1st July 2003 (Annexure A-16) informed the applicant that whenever a post would fall vacant his candidature for appointment shall be considered.

3. The learned counsel for the applicant submitted that though there is one vacancy, the same is to be

filled up by Ex-serviceman. If that be so, direction cannot be given to consider the applicant for such post. In case however the Ex-serviceman is not available and the post is to be filled up from general candidates it would be open for the respondents to consider the candidature of the applicant alongwith other candidates called for such post. In case the post is filled up by Ex-serviceman the candidature of the applicant for any subsequent vacancy may be considered as has been informed by the respondents themselves vide their communication dated 1st July 2003 (Annexure A-16). It may also be mentioned here that the Tribunal had already while deciding TA No. 13/1999 observed that the applicant may be engaged in case any temporary vacancy is available or if any daily wage is required to be engaged, and shall not take the plea of age bar. It is observed that the respondents shall follow the decision of this Tribunal In TA No. 13/1999 while considering the applicant for any of the aforesaid vacancy situations.

4. With the above observation the Original Application stands disposed of.

(Anand Kumar Bhatt)
Administrative Member

(D.C. Verma)
Vice Chairman (Judicial)

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पृष्ठांक सं ओ/व्या.....जगलपुर, दि.....
 प्रतिलिपि अच्यु दिग्द्वादश
 (1) समीक्षा उच्च व्यापारिया लाल दिग्द्वादश, जगलपुर
 (2) उद्दिष्टता श्री/श्रीजाती/सु..... एवं व्यापारिया लाल
 (3) प्राचीरी श्री/श्रीजाती/सु..... एवं व्यापारिया लाल
 (4) वार्षिक देवदान, जगलपुर का राम

निवासनगर
उत्तर प्रदेश ९.७.०३