

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 687 of 2003

Jabalpur, this the 19th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Jaffar Khan,
Son of Shri Mohar Khan,
Aged about 25 years,
R/o Plot No.90-A,
Nisar Ahmed Ka Bagicha,
Gora Bajar, Sadar Cantt.
Jabalpur(MP)

APPLICANT

(By Advocate - Shri S.D. Gupta)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.

2. The Commandant,
College of Material
Management,
Box No.3, Jabalpur(MP)

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main relief:-

"(i) It is therefore prayed that the respondents be directed to issue appointment letter to the petitioner on the post of Mazdoor within a stipulated period, for which he has already been selected".

2. The brief facts of the case are that the applicant had applied for the post of Mazdoor under the respondent no.2. He was selected for the said post. There were three vacancies, and the name of the applicant was placed at serial no.3 in the panel of selected persons. The persons placed at serial nos. 1 & 2 have already been appointed, whereas the applicant has not been appointed. Aggrieved by this, he had filed an OA No.803/2002 before this Tribunal, and the Tribunal vide its order dated 24.1.2003 disposed of the said OA by directing the respondents to dispose of the representation of the applicant by passing a speaking and detailed order. The


respondents, in pursuance of the aforesaid direction of the Tribunal, have passed an order dated 29.3.2002 (Annexure-A-8) wherein it is stated that "prior to the issuance of the appointment letter, Hon'ble Chief Commissioner for Persons with Disabilities, Noida had passed an order for employment of one at least physically handicapped person". In the said order they have further stated as under-

"This College has filed a writ petition against the said order in Hon'ble High Court of Judicature, Madhya Pradesh, Jbp.

5. Hence one vacancy of Mazdoor has been kept unfilled till the final judgment order is received from the Hon'ble High Court of Judicature, Madhya Pradesh, Jabalpur.

6. Keeping in view the above facts, you are hereby informed that no appointment order can be issued to you till the final judgment on the writ petition filed by this college is received from the Hon'ble High Court of Judicature, Madhya Pradesh, Jabalpur".

3. Heard the learned Counsel of both the sides, and we have given careful consideration to the arguments advanced on behalf of both sides. We find that it is not in dispute that three clear vacancies were notified for the post of Mazdoor by the respondents vide notification in 'Danik Bhaskar' of 8.6.2001 (Annexure-A-1). Out of these three posts of Mazdoor, one post was reserved for OBC; one post was reserved for Ex-serviceman and one was earmarked for the general category candidate. As per the statement of the respondents, the applicant has been selected against one of these three posts and placed at serial no. 3 in the merit. The persons placed at serial nos. 1 & 2 have already been appointed as Mazdoor. Earlier the applicant has approached the Tribunal in OA 803/2002. The Tribunal directed the respondents to decide the representation and now the respondents have taken a plea that one of these three posts is kept vacant for a handicapped person as per direction of the Chief Commissioner for persons with Disabilities, against which a writ petition has been filed by the respondents in the Hon'ble High Court of MP. We find that at the time of advertisement, no post was reserved for the handicapped persons and the applicant has been selected against one of these three posts and, therefore, the respondents are obliged to give him an offer of appointment for the post of Mazdoor.



4. Keeping in view the facts and circumstances of the case we direct the respondents to appoint the applicant against the post of Mazdoor against the existing vacancies failing which against the next available vacancy. With this direction, the OA is disposed of. No costs.

A.K.
(A.K.Bhatnagar)
Judicial Member

M.P.S.
(M.P.Singh)
Vice Chairman

rkv.

Issued
or
T-9-07

पूठांकन सं ओ/व्या..... जयलपुर, दि.....
प्रतिनिधि: राजेंद्र सिंह
(1) कर्म, उच्च न्यायालय एवं उच्च न्यायालय, जयलपुर
(2) जयलपुर न्यायालय के कार्यालय
(3) जयलपुर न्यायालय के कार्यालय
(4) जयलपुर न्यायालय के कार्यालय
सूचना एवं आचार्यका कार्यालय के
नूतन राजेंद्र