

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 861 of 2003

Jabalpur, this the 16th day of December, 2003.

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

1. Anand Kumar  
S/o Shri Motilal Verma,  
Behind Nathumal School N.No.773,  
Gorakhpur, Jabalpur(MP)
2. Vinay Kumar,  
S/o Vimal Kumar, R/o House No.  
E/40/6, M.E.S. Mandir Colony,  
Near C.O.D. Jabalpur(MP)
3. Manoj Vishwakarma,  
S/o Ravi Shanker Vishwakarma,  
Quarter No.P-266/2, M.E.S.  
Colony, Bairagarh, Bhopal(MP)

APPLICANTS

(By Advocate - Shri Rakesh Pandey)

VERSUS

1. Union of India,  
Through the Secretary,  
Ministry of Defence,  
South Block, New Delhi(MP)
2. Engineer In Chief,  
Army Headquarter,  
Kashmir House, Rajaji Marg,  
New Delhi.
3. Chief Engineer,  
Central Command Lucknow(UP)
4. Chief Engineer,  
Jabalpur Zone, Bhagat Marg,  
P.B.No.84, Jabalpur(MP)
5. Commander Works Engineer,  
Supply Marg, p B No.54,  
Jabalpur(MP)
6. Commander Works Engineer,  
Bhopal Sultanpur Infantry Line,  
Bhopal(MP)
7. Commander Works Engineer,  
Nhow(MP)-53441.

RESPONDENTS.



ORDER (ORAL)

By M.P. Singh, Vice Chairman -

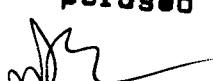
The applicants have filed this OA seeking the following reliefs :

"that the entire selection process of Group-D Mazdoor carried by the respondents may be set-aside. Further the respondents may be directed to conduct a fresh recruitment process.

Direction for proper enquiry may also be ordered".

2. The brief facts of the case as mentioned by all the three applicants are that the respondents have published an advertisement for recruitment to Group-D post and the applicants have submitted their forms for recruitment and the call letter for interview were issued by the respondents. The applicants appeared in the interview without any knowledge as to what will be required to be done in the interview. According to the applicants, the advertisement issued by the respondents was so vague and also no details regarding the criteria for verifying the good physique of the candidates were given in the advertisement. Therefore, the applicants were totally in dark as to what will be the way of selection in the interview. The contention of the applicants is that during the same period, recruitment to Group'D' post was made in different M.E.S./such as CWE Delhi, Delhi Cantt, CWE Lallandhar in which the entire process of selection of Group-D was published. The applicants have submitted a representation and complaint to the respondents through Union but till now the respondents have not taken any decision. Aggrieved by this, they have filed this OA.

3. Heard the learned counsel for the applicants and perused the records.



4. The learned counsel for the applicants has submitted that the respondents, while notifying the Group-D posts, have not stipulated the requirement for the post such as weight, height etc. They have also not stated in the notification the way of selection and what is expected from the candidates during the selection. He has also submitted that in the other MES Offices the respondents have also notified the procedure of selection of Group-D post in which they have given full details about the selection process to be held by the respondents. According to him, all the MES offices are under the same organisation and controlled by the Army Headquarters. The Army Headquarters issued certain guidelines which had not been followed by the Local MES office of Jabalpur. The learned counsel for the applicants has submitted that a direction be given to the respondents to conduct a fresh recruitment, and earlier selection be set aside.

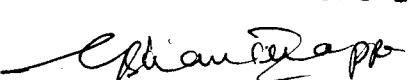
5. We have carefully considered the submissions made by the learned counsel for the applicants. We find that the respondents i.e. local MES office had issued a notification for recruitment to ~~the post~~ Group-D post which is placed at Annexure-A-1. In this notification, employment notice was issued by the respondents No.5. in which it has been mentioned that the recruitment to Group-D post is required to be made. The minimum qualification will be 8th class pass with good physique. No further detail about the selection to be conducted and marks to be awarded to each item have been stated in the employment notice. The learned counsel for the applicants/given us a copy of the instructions issued by the Army Headquarters, New Delhi wherein, ~~has~~ some procedure for recruitment to Group-D employee has been indicated.



: 4 :

We find from this letter that the same has been issued by the Army Head-quarters and is addressed to the Chief Engineers, Southern, Eastern, Northern, Western and Central commands prescribing the procedure to be followed for selection. This letter is in the form of guidelines to be kept in view while making selection to Group 'D' post. In any case, it is an inter-departmental communication which does not ask/direct the local authority to notify the recruiting procedure to the candidates appearing for selection. The contention of the learned counsel for the applicants that the Union have every right to ask the respondents regarding the criteria to be followed by them for selection, is not tenable. The union has no role to play as far as the selection for Group-D post is concerned and the respondents vide their letter dated 11.11.03 (Annexure-A-5) have informed the General Secretary of the MES Employees Union to the effect that the matter concerning recruitment does not come under the purview of trade Union activities. The Union has, therefore, been advised to desist from making correspondence on the subject.

6. In view of the facts mentioned above, we do not find any cause of action ~~or the facts~~ by which the applicants are adversely affected. Since there is no cause of action, we do not find any merit in the OA. Therefore, the OA is not maintainable in the eye of law and the same is dismissed at the admission stage itself. No costs.

  
(G. Shanthappa)  
Judicial Member

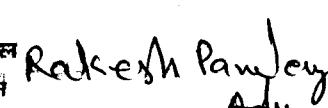
  
(M.P. Singh)  
Vice Chairman

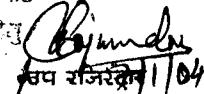
प्रृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अवधि दिन:-

- (1) सचिव, उच्च न्यायालय द्वारा एसोरिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु. ....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु. ....के काउंसल
- (4) वर्तमान कार्यालय, जबलपुर व्याख्याति

सूचना द्वारा आवश्यक कार्यालय द्वारा

  
Tuncer  
SKM

  
Rakesh Pawar  
Adv.

  
B. J. Bhandarkar  
संघ नियन्त्रक 1104