

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR  
.....

Original Application No. 381/2001

Jabalpur, this the 17<sup>th</sup> day of March, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN  
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Naresh Kumar Yadav s/o Sh. Nankunlal Yadav,  
Aged about 21 years,  
R/o Bamhani Banjar,  
Distt. Mandla (MP).

...Applicant

(By Advocate: N<sub>o</sub>ne)

-versus-

1. Union of India through  
Secretary,  
Ministry of Human Resource Department,  
Department of Education,  
Govt. of India,  
New Delhi.

2. The Principal,  
Jawahar Navodaya Vidyalaya,  
Padmi, Distt. Mandla.

3. Shri Kallu Khan  
s/o Shri Fatloo Khan,  
Aged about 33 years,  
Occupation - Driver,  
R/o Swami Sitaram Ward,  
behind House of Babu Khan,  
Distt. Mandla.

...Respondents

(By Advocate: Shri O.P. Namdeo for official respondents)  
Shri Guljar Rajput for respondent no. 3 )

O R D E R

By Shri Madan Mohan, Member (J):

By filing this O.A. the applicant has sought the relief for a direction to the respondents to call the applicant for interview and his candidature for being appointed as Mess Helper/Mess Cook under the respondents nos. 1 and 2 be considered by issuing an appropriate order/direction to the respondents nos. 1 and 2.

2. The brief facts of the case are that the applicant has passed his primary school certificate examination which is



minimum qualification for being appointed as Mess Helper/Mess Cook. His name was registered in the Employment Exchange office. He belongs to the OBC category of 'Ahir'. He is a trained Cook and has been working under the respondent no. 2 since 1997 on purely temporary basis.

2.1 Respondent no. 2 advertised for recruiting one post of Mess Helper /Mess Cook in Jawahar Navodaya Vidyalaya, Padmi, Distt. Mandla. Applicant also applied for the said post. Respondent no. 3, who is a Driver by occupation and is working as such on a purely temporary basis under the respondent no.2 and is also a closely related person to the respondent no. 2, also applied for the same. Out of the total applications received, the respondent no. 2 had issued interview calls to only 5 candidates including respondent no. 3 i.e. the private respondent but the applicant was ignored while the case of the applicant was much better on every count than the respondent no. 3. As the respondent no. 3 is a Driver by occupation and if he has submitted any certificate of experience as Cook, the same is false and forged document.

2.2 Aggrieved by the action of the respondents for not calling the applicant for interview, he submitted his representation on 25.9.2001, which is still pending as no heed has been paid to the said representation. The interview for the post of Mess Helper/Mess Cook has taken place on 27.5.2001 but letter of appointment has not yet been issued. However, the applicant is sure that respondent no. 3 would be given the appointment by respondent no. 2 with an idea to favour him as the process of calling interview is simply an eye-wash.

3. Since none is present on behalf of the applicant and the matter is an old pertaining to the year 2001, we are disposing of this O.A. by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the pleadings and other relevant material available on record.



4. Learned counsel for the official respondents has argued that respondent no. 2 had invited applications for the post of Mess Helper/Mess Cook from the candidates who are having at least qualification of fifth standard and possesses experience of 5 years as Cook at large scale and whose names are sponsored by the Employment Exchange. Since the applicant did not possess the required experience and his name was also not sponsored by the Employment Exchange, he has no claim whatsoever. Whereas the respondent no. 3 against whom the applicant levelled certain allegations, was sponsored by the Employment Exchange. He further argued that the applicant in his O.A. has stated that he apprehends the selection of respondent no. 3 but he has not been appointed. He was only called for interview.

5. We have considered the rival contentions of the parties and perused the material on record and find that the relief prayed for by the applicant cannot be granted as the interview for which the applicant desires to be called for has already been held in the year 2001.

6. In view of the above discussions the O.A. is bereft of merit and is accordingly dismissed. No costs.

  
(MADAN MOHAN)  
MEMBER (J)

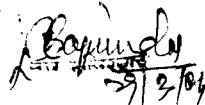
  
(M.P. SINGH)  
VICE CHAIRMAN

/na/

प्रतिवादी से ओ/या..... जयपुर, दि.....  
वर्ति. ३.३.०१

- (1) प्रतिवादी नं. २ का नाम जयपुर में निवास करने वाला है।
- (2) प्रतिवादी नं. ३ का नाम जयपुर में निवास करने वाला है।
- (3) प्रतिवादी नं. ३ का नाम जयपुर में निवास करने वाला है।
- (4) प्रतिवादी नं. ३ का नाम जयपुर में निवास करने वाला है।

3 Respondent  
CP Nomenclature  
re. Respondent

  
3/3/01

Filed  
29/3/01