

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.445 of 2002

Jabalpur, this the 12th day of March, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri Madan Mohan - Judicial Member

Ashish Bhargava, aged about 30 years,
son of Shri H.P.Bhargava, r/o 3607,
Katra Adhartal, Jabalpur (MP)

- APPLICANT

(By Advocate - Shri K.K.Trivedi)

Versus

1. The Union of India, through the Secretary,
Ministry of Defence, Government of India,
New Delhi.
2. The Director General, Ordnance Factories
Board, 10, Auckland Road, Calcutta (West Bengal).

3. The General Manager, Ordnance Factory
Khamariya, Jabalpur (M.P.).

- RESPONDENTS

(By Advocate - Shri S.P.Singh)

O R D E R

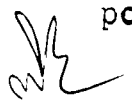
By M.P.Singh, Vice Chairman -

By filing this Original Application, the applicant
has claimed the following main reliefs -

"(i) to ^{issue} necessary order, direction or command,
commanding the respondents to consider the
application of the applicant Annx.A/7, and to
issue an order of appointment in favour of the
applicant appointing him on the post of
Chargeman Grade-II (Chemist) on the vacancy
available in the establishment of respondent No.3.

(ii) the respondents may also be commanded to grant
the benefits of such appointment to the applicant
with retrospective effect, such as seniority,
pay scale etc."

2. The brief facts of the case are that the applicant
had applied for his appointment on the post of Chargeman
Grade-II under the respondents in response to their
advertisement issued in October, 1995. The respondents
have made recruitment to six unreserved vacancies for the
post of Chargeman Grade-II. Out of those six candidates,



two have been removed by the respondents by holding that they had submitted false certificate of experience. The contention of the applicant is that ^{against} one of those two vacancies which have now become available, he should be appointed as he was placed at serial no.7 in the select panel of that selection.

3. On the other hand the learned counsel for the respondents has vehemently contended that in the said selection no person was kept in the waiting list and the applicant was not empanelled and, therefore, he cannot be given an appointment against the vacancies which have now become available due to removal of two persons, namely, Anil Kumar Mishra and Krishna Kumar Shrivastava.


4. Heard the learned counsel for the parties and carefully considered the rival contentions advanced by them.

5. We find that a selection was made for six vacancies in the grade of Chargeman-II by the respondents. The applicant had earlier filed an O.A.No.737 of 1996 before this Tribunal against appointment of Mr. Anil Kumar Mishra alleging that said Shri Mishra was over-aged at the time of his selection as Chargeman-II. The Tribunal had allowed the said OA vide order dated 25th February, 1998 setting aside the selection of said Anil Kumar Mishra. Said Anil Kumar Mishra had gone to the Hon'ble High Court against the order of the Tribunal and the Hon'ble High Court in W.P.No.1016/1998 vide order dated 30.4.2002 had reversed the order of the Tribunal. However, complaints against the said Anil Kumar Mishra and one Shri Krishna Kumar Shrivastava were received by the respondents that they have secured the employment by producing false experience certificates. Enquiries were made and these two persons, namely, Anil Kumar Mishra and Krishna Kumar Shrivastava have been removed from service. They had also filed Original Applications before this Tribunal against their removal, however, the same have been dismissed by this Tribunal.

6. Now, the question for consideration in this O.A. is


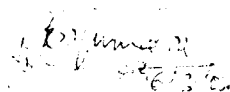
whether the applicant could be considered for appointment as Chargeman-II against the vacancies which have now become available consequent to removal of aforesaid two persons. According to the respondents there was no waiting list and the applicant was not selected. The applicant had participated in the said selection. Mere participation in the selection does not confer a right on the applicant to get appointment against the availability of two vacancies which have caused due to removal of aforesaid two persons. Moreover, as per rules these two vacancies are to be advertised and a fresh selection is to be made. The applicant, therefore, does not have any claim for appointment as Chargeman Grade-II.

7. In the result, the O.A. is bereft of any merits and the same is accordingly dismissed, however, without any order as to costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman.

rkv.


K.B. Trivedi
SP Singh


Issued

16.8.09