

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 97 of 2002

Jabalpur, this the 7th day of May, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Manoj Kumar Mitra,
Aged about 28 years,
R/o Hanuman Nagar Rasulia
Hoshangabad, Distt.
Hoshangabad(M.P.)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Humane
Resources and development
Department, Shastri Bhawan,
New Delhi.
2. Navoday Vidyalay Samiti
Through Commissioner,
Navoday Vidyalay Samiti,
Indira Gandhi Stadium,
I.P. Estate, near I.T.O.
New Delhi.
3. Deputy Director,
Navoday Vidyalay Samiti,
150, Zone-II, M.P. Nagar
Bhopal(M.P.)
4. Principal,
Jawahar Navoday Vidyalay
Pawarkheda Hoshangabad.

RESPONDENTS

(By Advocate - Shri O.P. Namdeo)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

None is present on behalf of the applicant. Since, ^{are} it is an old matter of the year 2002 we/disposing of this OA, by invoking the provisions of Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987. Heard the counsel for the ^{respondents.} respondents.

2. By filing this OA the applicant has sought the following main reliefs :-

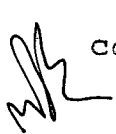
"i) to direct the respondents to declare the result of the examination held on 25.4.2001 within a fixed period.

(ii) the respondents be directed to issue appointment letter to the petitioner to the post of LDC/Store Keeper"

3. The brief facts of the case are that the applicant has participated in the selection made by the respondents for the post of LDC/Store Keeper. He has also qualified in the written test and was called for interview which was held on August 1999. However despite repeated requests he has not been given regular appointment. Thereafter, he again appeared in the selection in the year 2001 for the post of LDC/Store Keeper along with candidates who were sponsored to the Department by the Employment Exchange. The applicant was also called for regular appointment vide letter dated 17.4.2001. According to the applicant his performance was very well in the written test and interview held on 24.4.2001. Thereafter, the applicant waited for the result and on no intimation from the respondents, the applicant submitted his representation to the respondents dated 22.8.2001, praying for declaring the result. Till now the respondents have not taken any decision on the representation of the applicant. Hence this OA.

4. The learned counsel for the respondents has stated that the result of the selection for the post of LDC/Store Keeper has been cancelled, as there were certain complaints of irregularities committed during the selection. Since the selection itself has been cancelled, the applicant could not have been given any offer of appointment for the post of LDC/Store Keeper. He has further submitted that thereafter no further selection has been made on account of change of policy. Now, the selection is being made on the basis of contract appointment for a period of one year which is further extendable from time to time.

5. We have given careful consideration to the rival contentions of the parties and we find that the applicant who was working as part time LDC has participated in the selection for the post of LDC/Store Keeper. Since, there were certain complaints of irregularities committed during the selection



the whole process of selection has been cancelled. It is a settled position that the respondents are within their right to cancel the selection if they found that the same is not held as per the prescribed ~~procedure~~ ^{were} procedure or if certain irregularities/committed du-ring the selection. Therefore, the applicant could not be given any offer of appointment to the post of LDC/Store Keeper as claimed by him. In view of these facts, the OA does not have any merit, and the same is liable to be dismissed. Accordingly, the OA is dismissed. However, it is observed that in case there is any further selection in future for the post of LDC/Store Keeper and the candidates are to be selected on the basis of contract, the applicant could be considered for the aforesaid post if otherwise found suitable/eligible in all respect in accordance with Rules and law.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

SKM

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित -

- (1) सचिव, उच्च न्यायालय नगर जबलपुर, जबलपुर
- (2) अध्यक्ष श्री/श्रीमती/शुके कार्यालय
- (3) प्रत्यक्ष श्री/श्रीमती/शुके कार्यालय
- (4) न्यायालय, के.प्र.नं., जबलपुर नगरपालिका

सूचना एवं आवश्यक कार्यवाही हेतु

Barimda
20/5/14

AL Gupta
op Nandoo

Free
20-5-14