

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : INDORE

Original Application No.1134 of 2000

Indore, this the 15th day of January, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

Mrs.Kiran Phatrod, W/o Shri Arjun Phatrod,
Aged 24 years, Occupation Unemployed,
R/o Ward No.15, Harijan Basti, Laxmibai Marg,
Bhaurasa, District Dewas (MP) - APPLICANT

(By Advocate : Shri C.B.Patne through Shri R.Tiwari)

Versus

1. Kendriya Vidyalaya Sangathan, Shahid Jeet Singh Marg, New Delhi through its Commissioner.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, M.P.Region, Opp.Maida Mill, BHOPAL (MP).
3. The Principal, Kendriya Vidyalaya, Bank Note Press, Premises, Dewas, District Dewas (MP) - RESPONDENTS

(By Advocate - Shri V.Saran)

O R D E R (Oral)

By G.Shanthappa, Judicial Member -

The above application is filed seeking the relief for direction to the respondents to issue order of appointment to the applicant to the post of Sweeper in the Office of respondent no.3, as a result of her selection by the selection committee, with all other consequential benefits, and further relief for direction to the respondents to reinstate the applicant forthwith on the post of Sweeper.

2. The brief facts of the case are that the applicant is qualified for the post of Sweeper. She has got merit. The applicant had submitted her application for the post of Sweeper under the notification issued by the respondents. The respondents have issued the interview letter and have prepared the selection list. As on the date of submitting the application, the applicant was working as daily wager Sweeper since 1.10.1997. Subsequently, her services were terminated due to the issue of notification to fill up

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the post of Sweeper. Since the applicant has qualified, she has asked the relief for direction to the respondents to appoint her on the post of Sweeper.

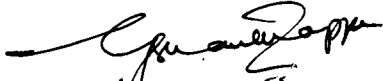
3. The respondents have submitted their reply denying the averments in the OA. They have admitted that there was a notification and the applicant was called for interview and her name is there in the selection process. Subsequently, the respondents have not issued the order of appointment as a ban has been imposed to fill up the post of Sweeper. They have contended that the applicant has no ^{legal} right for the post of Sweeper even though she is selected. Accordingly, they have prayed that the OA may be dismissed.


4. Heard the learned counsel for the parties and perused the pleadings available on record.

5. The case of the applicant is that she was working as Sweeper on daily wages and also she had submitted her application for the post of Sweeper under the notification issued by the respondents. Since she has been selected but the respondents have not issued her the appointment order and they have kept quiet for so many months, the applicant has approached this Tribunal seeking the aforesaid reliefs.

6. The question of law involved in this case is whether the applicant has got any legal right for her appointment on the post of Sweeper? It is the admitted position that the name of the applicant is in the selection process, her name is listed for the interview, and even the name of the applicant is placed in the select list but no appointment letter has been issued to her as a ban has been imposed on the appointment. As no appointment order has yet been issued, the applicant has no legal right for grant of relief prayed for in the OA. Accordingly, the applicant has not made out any case for grant of relief. In this view of the matter, the OA is liable to be dismissed.

7. In the result the O.A. is dismissed, without any order as to costs. However, we may observe that if the applicant wants to submit her application in future selection process, the respondents are directed to grant her age relaxation of the period she had worked with them.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

rkv.

Copy forwarded to
(H) Shri C B Patne, Adm. for
applicant Indore.
(H) Shri V. Saran for respondents
Indore.