

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, the 20th day of July 2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR.G.R. PATWARDHAN, MEMBER (ADMINISTRATIVE)

1 ORIGINAL APPLICATION NO. 305/2005

Sarwan Kumar son of Shri Madan lal by caste Balmiki, aged about 29 years, resident of 6/104, Hari Marg, Raigar Basti Jaipur, presently working as Daily Wages in the office of the Income Tax Commissioner, N.C.R. Building, Statue Circle, Jaipur.

2 ORIGINAL APPLICATION NO. 306/2005

Chagan Lal Malhotra son of Shri Ramji Lal Malhotra by caste Khatik, aged about 31 years. Resident of Plot No. A/15, Hidaki Mori, Jaipur. Presently working as Chaprasi Group D in the office of the Commissioner Income Tax, Jaipur.

3 ORIGINAL APPLICATION NO. 307/2005

Rakesh Kumar Sarsar son of Shri Mahesh Dass Sardar by caste Harijan, aged about 30 years. Resident of D-55 Kabir Marg, Brahmputri, Jaipur. Presently working in the office of Chief Commissioner Income Tax, NCR Building, Jaipur.

.....Applicants

By Advocate: Mr. P.N. Jatti

versus

- 1 Union of India through Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
- 2 Chief Commissioner of Income Tax, Central Revenue Building, Bhagwan Das Road, Statue Circle, Jaipur.
- 3 Additional Commissioner of Income Tax, Central Revenue Building, Bhagwan Das Road, Statue Circle, Jaipur.

.... Respondents.

By Advocate : Mr. Gaurav Jain

ORDER (ORAL)

The controversy involved in all these cases is similar and hence all these three OAs are disposed of by a common order.

2 The applicants have filed these OAs thereby praying that the directions be issued to the respondents to issue call letters so that the applicants can appear in the interview held for the post of Peon/Chowkidar as per notification dated 30.01.2005. When these matter were listed for admission on 05.07.2005, this Tribunal while considering the submissions made by the learned counsel for the applicant passed the following order:-

"Heard the learned counsel for the applicant. The learned counsel for the applicant submits that pursuant to the notification dated 30.01.2005, the applicant submitted an application in the office of the Income Tax, Jaipur for the post of Peon/Chowkidar, which was received on 16.02.2005. It is further submitted that the applicant is eligible for appointment for the aforesaid post as per notification dated 30.1.2005 but despite this, the applicant has not received the interview letter whereas the same has been sent to other persons who are similarly situated. It is further stated that the applicant is working as Daily wage basis with the department since 1997. It is further submitted that the applicant belongs to Reserved category as such, the maximum age in their case is 32 years. It is also submitted that the interview is being held on 04.07.2005 and 05.07.2005 and in case the applicant is not permitted to appear in the interview, he will suffer irreparable loss.

In view of what has been stated above, I am of the view that ends of justice will be met, if directions is given to the respondents to interview the applicant for the post of Peon/Chowkidar. Ordered accordingly. The result of the applicant shall be kept in sealed cover."

2 Pursuant to the notice to the respondents, they have filed interim reply. In the reply, it has been stated that in compliance of the order dated 05.07.2005, the applicants have been interviewed by the Interview Committee on 05.07.2005 and their result have been kept in sealed cover.

3 The learned counsel for the applicant submits that he will be satisfied if the directions is given to the respondents to open the sealed cover and in case the applicants have been selected for the post of Peon/Chowkidar, they be given appointment on the said post.

4 Since it is not the case of the respondents that the applicants were not fulfilling the eligibility criteria as stipulated in the notification dated 30.01.2005, the applicants were eligible to be interviewed by the Interview Committee and if it so, the result of the interview of the applicants for the post of Peon/Chowkidar kept in sealed cover is required to be re-opened. Accordingly, the respondents are directed to re-open the result of the applicants kept in sealed cover and take follow up action according to the recommendations made by the Interview Committee.

5 With these observations, these OAs are disposed of at admission stage.

(G.R. PATWARDHAN)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ