

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2058/2017

New Delhi this the 2nd day of June, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Sarif Md. S/o Sh. Noori Islam,
Aged about 27 years,
R/o Sanjay Camp, Chanakyapuri,
New Delhi-21.

..... Applicant

(through Sh. S. S. Tiwari, Advocate)

Versus

1. Union of India through
Secretary to the President,
Rashtrapati Bhawan,
New Delhi.
2. Under Secretary (Estt),
President's Secretariat,
Rashtrapati Bhawan,
New Delhi.

.... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

The applicant is seeking cancellation of the advertisement dated 13.01.2017 issued by the respondents for filling up certain posts of Mali. His submission was that this advertisement has been issued under the amended Recruitment Rules (RRs) of 2014 as the qualification prescribed in this advertisement was 10th pass. However, even vacancies of those years when the amended RR had not come into force have been taken into account in this

advertisement, although they should have been filled under old RRs as per settled law as laid down by Hon'ble Supreme Court in the case of Y.V. Rangaiah & Ors vs J. Sreenivas Rao & ors dt. 24/03/83 (1983)3 SCC 284. He further submitted that as per old RRs, the qualification required was only 8th pass which the applicant meets.

2. We have heard learned counsel for the applicant. The applicant has not placed on record any document to support his contention that vacancies of earlier years have also been included in the advertisement. Thus, he has not made out a case warranting interference of this Tribunal. Learned counsel argued that a notice be issued to the respondents and they be asked to appear and deny that earlier vacancies have not been clubbed in this advertisement. However, in our opinion, this Court cannot be used to make roving inquiries and it was incumbent on the applicant to produce necessary documents in support of his case.

3. Therefore, there is no merit in this OA and the same is dismissed in limine.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/

