

*mReserved*

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**ORGINAL APPLICATION NO. 1090 OF 2011**

Jabalpur, this Monday, the 29<sup>th</sup> day of January, 2018

**HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Sanjay Kumar Malik, S/o Shri Tikaram Malik,  
Date of birth 20.12.1975, R/o House No.913/B,  
Opposite Gurudwara, Gorakhpur,  
Jabalpur (MP)-482001

**- APPLICANT**

(By Advocate – Shri S.K.Nandy)

**Versus**

1. Comptroller & Auditor General of India,  
Pocket 9, Deendayal Upadhyaya Marg,  
New Delhi-110002

2. Director General of Defence Services,  
L-2 Block Brass Avenue Road, New Delhi-110001

3. Director of Audit (Ordnance Factories),  
Vidya Nagar, GCF Estate, Jabalpur-482001

4. Principle Director of Audit (Ordnance Factories)  
10-Aucland Road, 8<sup>th</sup> Floor, East Wing,  
Calcutta-700001

**- RESPONDENTS**

(By Advocate – Shri P.Shankaran)

*(Date of reserving the order:23.01.2018)*

**ORDER**

**By Navin Tandon, AM.-**

The applicant is aggrieved by non-consideration of his claim for appointment on the post of Multi Tasking Staff (for brevity 'MTS').

2. The brief facts of the case are that the applicant was initially engaged under the respondent No.3 as casual labourer (Safaiwala). He had worked for 394 days during the years 2004-2005, and for 378 days during the years 2008-2010 as reflected in the certificate dated 26.04.2011 (Annexure A-1) and was still continuing on the date of issue of that certificate. An employment notice was published in Employment News dated 17<sup>th</sup>-23<sup>rd</sup> April, 2010 whereby vacancies for direct recruitment to the post in Pay Band-I (Rs.5200-20400 plus grade pay of Rs.1800/-) had been advertised. In response to said advertisement the applicant had duly applied for the aforesaid post. However, he was not called for any interview and certain other casual labourers have been engaged against those vacancies.

3. The applicant in this Original Application has sought for the following reliefs:

***“8(i) Summon the entire record from the possession of the respondents including the communications between the office of respondent No.2, 3 and 4 regarding appointment of casual labourers for the post of MTS for its kind perusal.***

***(ii) Upon holding that the action of the respondents in not appointing the applicant is bad in law, command them to appoint the applicant on the post of MTS in pursuance to the vacancies notified vide advertisement dated 17<sup>th</sup>-23<sup>rd</sup> April, 2010 with all consequential benefits.***

***(iii) Any other order/orders, which this Hon'ble Court deems fit and proper may also be passed;***

***(iv) Award cost of the litigation in favour of the applicant”.***

4. The claim of the applicant is that though he had worked under the respondent-department for 918 days in broken spells with entire satisfaction of his superiors and his name was duly forwarded by respondent No.3, his name has not been considered for regular appointment.

5. The respondents on the other hand have submitted that the applicant in his application has stated his educational qualification as 5<sup>th</sup> pass, whereas the minimum educational qualification required was 10<sup>th</sup> pass and for the casual labourers working under the respondents was 8<sup>th</sup> pass for being considered for appointment on the post of MTS. Since the applicant did not fulfil the eligibility criteria he was not issued a call letter for interview and selection. Therefore, the applicant has no ground to seek appointment against the notified vacancies.

6. Heard the learned counsel for the parties and carefully perused the pleadings of the respective parties and the documents annexed therewith.

7. The respondents have stated that the applicant himself in his application has stated his educational qualification as 5<sup>th</sup> pass. The minimum educational qualification required was class 10<sup>th</sup> pass. This was relaxed for the casual labourers working under the respondents and was 8<sup>th</sup> pass for being appointed on the post of MTS. Thus, since the applicant did not fulfil the eligibility criteria he did not hold any right over the post and, therefore, he was rightly not issued any call letter for

interview or selection. Hence, no prejudice has been caused to the applicant by not considering his case for appointment on the post of MTS.

**8.** In this view of the matter, we do not find any substance in the present Original Application and the same is accordingly, dismissed. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

*rkv*