

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

LIBRARY

No. O.A. 350/00247/2016

Date of order: 17.3.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

BODHISATYA MONDAL

VS.

UNION OF INDIA & ORS. (SSC)

For the Applicant : Mr. A. Mondal, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

O R D E R (Oral)

Per Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the applicant and the Ld. Counsel appearing for the respondents.

2. The applicant against the advertisement dated 28.7.2012 applied for the post of Examiner in Group 'B' Non-gazetted, Non-ministerial post. After completing the process of selection the petitioner was placed in the select list but the applicant has not been given appointment in spite of finding place in the select list. He made several representations for issuing appointment order but the appointment was denied for the reasons mentioned in Annexure A-10 which is reproduced as under:-

File No. O-17034/3/2013-PSP-II
Ministry of Urban Development
Government of India
(PSP-II)

Room No. 305-B, Nirman Bhawan,
New Delhi the dated 2nd August, 13

OFFICE MEMORANDUM

Subject : Shifting of HQ/Restructuring of GISO, Kolkata
office-regarding.

(S. W.B.)

Government of India Stationery Office, Kolkata may refer to their note submitted in file no. A-11018/1/2009-Estt. dated 17.5.2013 on the subject cited above.

2. In this connection, it is informed that the following decision has been taken by competent authority in this regard:-

- (a) 136 vacancy as reported in the above referred note may not be filled up in GISO, Kolkata office.
- (b) Any vacancy arise in future may also not be filled up. If it is essential to fill up the vacancy because of functional requirement, the proposal may be got approved by Ministry of Urban Development.
- (c) A study may be conducted by IWSU to review the staff strength and organisational structure and submit its report for deciding the staff strength for declaring surplus. The IWSU may be requested to conduct this study and submit its report within six weeks as desired by Secretary (UD).

3. GISO, Kolkata is requested to take action on the decision taken as above under intimation to this Ministry.

(Sunil Kumar Pal)
Under Secretary to the Government of India
011-23062565"

3. The competent authority has decided not to fill up 136 vacancies in GISO, Kolkata office. Not only that it is also decided that any future vacancy may also not be filled and if essential to fill up the vacancies because of functional requirement the prior permission of Ministry of Urban Development is required. A study was proposed to be conducted by IWSU to review the staff strength and organisational structure etc.

4. It is well settled principle of law that a person who finds place in the select list has no right to be appointed and no mandamus can be issued to the employer for issuing the appointment especially when the employer has decided not to fill any of the vacancies.

5. Hence in view of the above, we are of the view that this petition can be disposed of at the admission stage with the following observation:

" That in case whenever vacancies should be filled up the applicant


(S. W. B.)

should get the first priority in terms of merit test."

6. With the above observation, the O.A. is finally disposed of at the admission stage.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP