

**(2006) 08 P&H CK 0027**

**In the Punjab And Haryana At Chandigarh**

**Case No : CWP No. 7809-CAT of 2006 (O and M)**

Sulinder Kumar

APPELLANT

Vs

Central Administrative Tribunal and Others

RESPONDENT

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**Date of Decision :** 07-08-2006

**Acts Referred:**

**Citation :** (2006) 08 P&H CK 0027

**Hon'ble Judges :** Kiran Anand Lall, J;J.S. Khehar, J

**Bench :** Division Bench

**Advocate :** O.P. Hoshiarpuri, for the Appellant;

**Final Decision :** Dismissed

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## **Judgement**

J.S. Khehar, J.—Civil Misc. No. 12796 of 2006 is allowed. Order dated July 29, 2005, of the Central Administrative Tribunal, Chandigarh

Bench, Chandigarh, is taken on record subject to all just exceptions.

2. The petitioner responded to an advertisement inviting applications for appointment against 60 posts of sweepers. In the course of the selection

process, he was allowed to participate in a physical test on 15.3.2002, and thereafter, in the written test on 16.3.2002. When the result of the

process of selection was declared, the name of the petitioner did not figure amongst the selected candidates, although he had allegedly qualified the

physical fitness test, as also, the written test. The result of the process of selection, in which the petitioner had competed, was impugned by some

of the unsuccessful candidates before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh. The aforesaid challenge was

adjudicated upon by the Tribunal in Original Application No. 380/PB/2005 on 29.7.2005, wherein the Tribunal approved the process of preparing

the select list by asserting that the same was in consonance with the order passed by it in Original Application No. 1174/PB/2002, which was decided on 19.1.2004.

3. Having approved the lists prepared by the respondents consequent upon the finalisation of the selection process, the Tribunal, while deciding

Original Application No. 380/PB/2005, recorded a finding of fact, namely, that the select list only depicted the selection of 53 persons as against

60 posts which had been advertised. So as to allow the petitioner to reap the benefit of the remaining 7 posts, directions were issued by the

Tribunal on 29.7.2005 to consider the candidature of the petitioner against the remaining posts. Despite the aforesaid directions, the petitioner was

not favoured with an offer of appointment.

4. The petitioner has placed on the record of this case, an order dated 15.12.2005 passed by the Central Administrative Tribunal in Original

Application No. 385/PB/2005. A collective perusal of the order dated 19.1.2004 and 15.12.2005 reveals that the name of the petitioner did not

figure within the 60 most meritorious candidates eventually appointed in furtherance of the order passed in Original Application No. 380/PB/2005.

The Central Administrative Tribunal found no merit in the claim raised by the petitioner for appointment against the unfilled posts of sweepers. Be

that as it may, on account of the fact that the petitioner had been rendering service with the respondents the order of the Central Administrative

Tribunal, dated 15.12.2005 required the respondents to pay the petitioner wages for the period he had continued to discharge his duties. In the

background of the aforesaid factual position, especially the fact that the authorities had advertised only 60 posts, and that, in the process of

selection approved by the Central Administrative Tribunal, his name did not figure within the 60 most meritorious candidates appointed from the

various categories envisaged in the advertisement, we find no merit in the claim raised by the petitioner.

5. Dismissed.