



Case No. WP(C) No. 32/09

Serial No.	Date	Order (s) with Signature (s)
1	2	3
07.	30.07.2010	<p style="text-align: center;"><b><u>BEFORE</u></b></p> <p style="text-align: center;">HON'BLE THE CHIEF JUSTICE MR. JUSTICE BARIN GHOSH</p> <p>Present: Mr. N.B. Khatiwada, Sr. Advocate with Mr. B.K. Gupta and Mr. Jigmic Wangchuk Bhutia, Advocates for the petitioners.</p> <p>Mr. Sudesh Joshi, Advocate for the respondents.</p> <p style="text-align: center;">...</p> <p>In this writ petition, petitioners are challenging the order of the Central Administrative Tribunal, Calcutta Bench, dated 14.07.2009 whereby an order of termination of services of the applicants before the Tribunal dated 23.11.2006 has been quashed.</p> <p>The facts to which there appears to be no dispute are that an advertisement was published on 18.10.2005 for filling up certain vacancies; that advertisement was responded by the applicants before the Tribunal, who are respondents in this writ petition, and the response resulted in their selection and appointment. In between December, 2005 and January, 2006, respondents joined the posts to which they were appointed. Each of the respondent was, on appointment, put on probation. While the respondents were thus on probation, by the impugned letter dated 23.11.2006 their appointments were terminated on the ground that the appointments were without obtaining the approval of Screening</p>




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		<p>Committee as envisaged in Department of Personnel and Training, O.M. No. 2/8/2001-PIC dated 16.05.2001. The aforementioned O.M. directs all Ministries/ Departments of the Government of India to appoint a Screening Committee for the purpose of preparing Annual Recruitment Plans for the respective Ministry/ Departments. The purpose of preparing the Annual Recruitment Plan, as it appears from the said O.M., was to ensure that no appointment is made beyond 1 % of the manpower of such Ministry/Department.</p> <p>It was contended by the writ petitioner before the Tribunal and it is also being contended in the present writ petition by the petitioner that pre-appointment screening or approval of the respondents was required by the Screening Committee, which was not done and accordingly appointments of the respondents were contrary to the said Memorandum. Nowhere in the counter filed before the Tribunal it was contended, nor it has been contended in the writ petition that the concerned Ministry/Department did not appoint a Screening Committee for the purpose of preparing Annual Recruitment Plan for the said Ministry/ Department or that such an Annual Recruitment Plan was not made. That being the situation the contention in the termination order dated 23.11.2006 to the effect that</p>



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		<p>the appointments of the respondents were made without obtaining approval of the Screening Committee as envisaged in the said O.M. is nothing but an ipse dixit on the part of the petitioners inasmuch as the said O.M. does not require any approval of any appointment by the Screening Committee directed to be appointed thereby at all.</p> <p>The writ petition is meritless and; accordingly, the same is dismissed.</p> <div> Chief Justice 30.07.10</div> <p>pm/jks</p>