

U.P. JAL NIGAM AND ORS.
v.
DURGA PRASAD SINGH AND ORS.

JANUARY 9, 1995

[K. RAMASWAMY AND S.C. SEN, JJ.]

Service Law—U.P. Jal Nigam Service of Engineers (Public Health Branch) Regulations, 1977—Recruitment by selection from amongst eligible candidates on the basis of the record and interview—Constitution of Committee as per orders of High Court—Held, valid—Committee to consider the cases according to Rules and Regulations—Directions issued.

Following the direction of the Single Judge dated January, 14, 1993, the appellant constituted a Selection Committee and called the persons for interview for selection. The applicants contended that calling the persons for interview was not warranted either by Rule 16 of U.P. Jal Nigam Service of Engineers (Public Health Branch) Regulations, 1977 or the Order of the Single Judge.

Disposing of the application, this Court

HELD : 1. Rule 16 of the U.P. Jal Nigam Service of Engineers (Public Health Branch) Regulations, 1977 and Option No.4 in the order of the Single Judge as upheld by this Court contemplated constitution of a Committee. Necessarily a Committee has to be constituted and the Committee as contemplated under Rule 16 has been chosen to be the forum to consider the record of the eligible candidates besides being called for interview to adjudge their merit. [120-G-H]

2. There is no inconsistency between the action taken by the Nigam in implementing the order of this Court and the order of the Single Judge. It is however made clear that any of the contentions raised by the respondent/applicant seeking clarification of the order would not be an impediment for the Committee, while considering their cases for selection fairly and objectively without any prejudice. The Committee will do well to consider their cases according to Rules and Regulations. [121-A-B]

A CIVIL APPELLATE JURISDICTION : I.A. No. 2 of 1995.

In

Civil Appeal No. 9214 of 1994.

B From the Judgment and Order dated 18.3.94 of the Allahabad High Court in W.P. No. 72(SB) of 1994.

Rajiv Dhawan, Ms. Nalini Tripathi, I.M. Buddissi and R.B. Misra for the Appellants.

C P.P. Rao and Pramod Swarup for the Respondent.

The following Order of the Court was delivered :

D We have heard learned counsel for the parties. The order of the learned Single Judge dated January 14, 1993 made in Writ Petition No. 8504 of 1987 with regard to the fourth option mentioned therein is clear which we have already extracted while allowing the appeal at page 20 of the paper book. Sri. P.P. Rao, learned Senior counsel appearing for the applicant contends that while following the directions of the learned Single Judge, the Jal Nigam had constituted a Selection Committee and called the persons for interview which is not warranted under the order. He states that Rule 16 of U.P. Jal Nigam Service of Engineers (Public Health Branch) Regulations, 1977 provides that in the case of recruitment by selection on the basis of interview alone, the candidates eligible for recruitment under these regulations are to appear before the Selection Committee of the Nigam and on the basis of the recommendation of the Selection Committee, the Nigam shall draw up a list of candidates selected in order of merit. The respondents need only to look into the record and not the basis of the interview. Rule 16 would not apply. The Nigam would, therefore, not be justify for making selection on the basis of interview. We find no force in this contention. In view of the fact that the selection is to be made in the light of option No. 4 which is now sought to be implemented as per orders of the learned Single Judge as upheld by this Court, necessarily a Committee has to be constituted and the Committee as contemplated under Rule 16 has been chosen to be the forum to consider the record of the eligible candidates besides being called for interview to
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adjudge their merit.

Under these circumstances there is no inconsistency between the action taken by the Nigam in implementing the order of this Court and the order of the learned Single Judge. It is, however, made clear that any of the contentions raised by the respondent/applicant seeking clarification of the order would not be an impediment for the Committee, while considering their cases for selection fairly and objectively without any prejudice. We hope and trust that the Committee will do well to consider their cases according to Rules & Regulations. I.A. is disposed of accordingly.

A.G.

Petition disposed of.