

Operating of WL

Government of India
Department of Atomic Energy

Anushakti Bhavan,
C.S.M. Marg,
Mumbai 400 001.

No.16/19(1)/2015-SUS/14 244

October 26, 2016.

OFFICE MEMORANDUM

Subject: Filling up of vacancies against open advertisement.

Reference is invited to this Department's O.M. No.16/19(1)/2015-SUS/6833 dated 26.5.2015 on the captioned subject.

2. It has been brought to the notice of the Department that Units are facing difficulties to fill up vacancies when candidates selected against open advertisement fail to join the post or when selected candidates join the post and resign within a short period, as the present guidelines do not allow preparation of wait list.

3. In the case of Gujarat State Dy. Executive Engineers' Association Vs State of Gujarat 1994 Supp (2) SCC 591, the Hon'ble Supreme Court observed that :

"How a waiting list should operate and what is its nature may be governed by the rules. Usually it is linked with the selection or examination for which it is prepared. For instance if an examination is held say for selecting 10 candidates for 1990 and the competent authority prepares a waiting list, then it is in respect of those 10 seats only for which selection or competition was held. Such lists are prepared either under the rules or even otherwise mainly to ensure that the working in the office does not suffer if the selected candidates do not join for one or other reasons or next selection or examination is not held soon. Therefore, once the selected candidates join and no vacancy arises due to resignation, etc., or for any other reason within the period the list is to operate under the rules or within reasonable period where no specific period is provided then candidates from the wait list has no right to claim appointment to any future vacancy which may arise unless the selection was held for it".

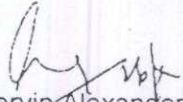
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4. The matter has therefore, been re-examined in the Department and it has been decided that :

- a) Units may prepare limited and reasonable wait list considering the number of posts advertised.
- b) The wait list shall be operated only in the event of occurrence of a vacancy caused by non-joining of the candidate from the select list within the stipulated time allowed for joining the post or where a candidate joins the post but resigns or dies within a period of one year from the date of joining, if a fresh panel is not available by that time. Waiting list should, however, not be operated beyond one year or after notifying any such recruitment whichever is earlier.
- c) Vacancy which arose as stated above should not be treated as a fresh vacancy and the actual number of posts filled up against advertisement already issued should under no circumstances exceed the number of vacancies indicated in the advertisement.
- d) The validity of operation (time limit) of the wait list must be clearly mentioned in the advertisement.

5. The Department's O.M. dated 26.5.2015 may be treated as modified to this extent.


(S. Mervin Alexander)
Joint Secretary (A&A)

All Heads of Constituent Units of DAE / PSUs / Aided Institutions

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 2. All Sections in DAE