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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 333/98
with
OA No. 1544/98

(10)

New Delhi, this the 8th day of March, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

OA 333/98

Budhbir Singh s/o Sh. Sukhpal Singh,
r/o H.No. 348, A/2, Nand Nagri,
Delhi - 110 093.Applicant.

OA 1544/98

Neer Pal Singh s/o Sh. Jaipal Singh
r/o village & P.O. Saini,
District Meerut (UP).Applicant

Versus

Union of India through:

1. The Secretary,
Ministry of Power,
Sharam Shakti Bhawan,
Rafi Marg, New Delhi.
2. The Chairman,
Central Electricity Authority,
Sewa Bhawan, R.K.Puram,
New Delhi.
3. Ms Suman Bala,
Junior Engineer,
Central Electricity Authority,
Sewa Bhawan, R.K.Puram,
New Delhi.Respondents

Present: Shri V.P. Trikha, counsel for applicants
Shri P.S. Mahendru, counsel for official
respondents
Shri R. Kapur, counsel for respondent no.3

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)

As the questions of fact and law in both these
OAs are identical, these OAs are being taken up together
and are being disposed of by this common judgement.

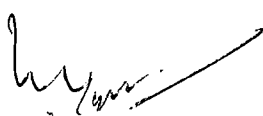
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(11)

2. The applicants in both these OAs are Apprentices who have undergone the requisite training in Electrical Engineering & have also completed their periods of apprenticeship

3. The official Respdnt No.2, namely, the Central Electricity Authority, Sewa Bhawan, R.K.Puram, New Delhi, issued an advertisement notice calling for applications from the departmental candidates for the post of Junior Engineer in that office. The requisite qualification was diploma or degree in Mechanical Engineering or its equivalent from a recognised university/institution. According to both the applicants they were told that they could not apply for the said post as they could not be considered to be departmental candidates. Admittedly, neither of them applied. However, according to the applicants, it came to them as a surprise when respondent no. 3 herein, namely, Ms Suman Bala, who was also an Apprentice like them was considered by the respondents and has been appointed as Junior Engineer while neither of the applicants was considered nor appointed. Accordingly these applicants have come to the Tribunal seeking the relief that appointment of Ms Suman Bala be quashed and the applicants be considered against the post to which she has been appointed. A further relief sought by the applicants is to restrain the respondents from making further recruitment to the post of Junior Engineer till the applicants are considered for that post and are absorbed.

4. The respondents have in their respective counters vehemently denied that the applicants had ever approached the respondents with the request that they should also be allowed to apply. The plea taken by the respondents is that since the applicants in these OAs did

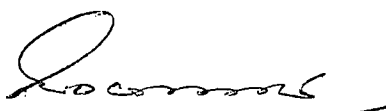


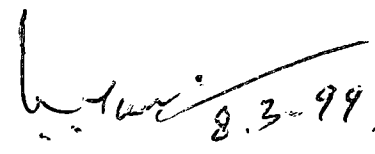
not at all apply they could not be considered. It is, however, fairly conceded by the respondents that both the applicants are also eligible and that if and when they apply they would be considered. The respondents have further stated that the names of the applicants were under consideration of respondent no. 2 but that the applicants without waiting for the final decision rushed to the Tribunal even before the expiry of six months from the date of submitting their representations.

5. Learned counsel for the parties have reiterated the contentions that had been made in their respective pleadings. On consideration of the rival contentions we are of the firm view that since the applicants had not applied there are no grounds for quashing the appointment of respondent no. 3, namely, Ms Suman Bala. In our view the respondents should take a decision relating to the cases of the applicants for their consideration for the post of Junior Engineer within a reasonable time.

6. For the foregoing reasons we dispose of both these OAs with a direction to the respondents No. 1 & 2, more particularly respondent no. 2, to take a decision on the representations of the applicants within a period of two months from the date of receipt of a copy of this order and also to take necessary steps for considering their cases in line with the case of Ms Suman Bala, which would, however, depend upon the availability of vacancies and such other facts.

No costs.


(S.P. Bhowas)
Member (A)

 8.3.99.
(T.N. Bhat)
Member (J)