

(2)
CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 347 of 1994

New Delhi this the 22nd day of February, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member(A)

Shri Suresh Chand Gupta
R/o Telephone Exchange,
Baraut.

...Applicant

By Advocate Mrs. Rani Chhabra

Versus

1. Union of India
through Ministry of Communications,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Divisional Engineer (Admn.),
Meerut Division,
Meerut.
3. Sub Divisional Officer (Phones)
Baraut Sub Division,
Telephone Exchange,
Baraut Dist. Meerut.
4. JTO (Phones)
Baraut Sub Division,
Telephone Exchange,
Baraut,
Meerut.
5. Shri Bhagwan Singh
Lineman,
Telephone Compound,
Baraut.

...Respondents

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

On 06.01.1993, the applicant was appointed as a Store Lineman as a consequence to the suspension of one Shri Raj Kumar from service who, it appears was holding the post of Store Lineman on that day. Thereafter, a regular appointment to the post of a Store Lineman was to be made.

For that purpose, the applications were invited. The applicant, respondent No.5, Shri Bhagwan Singh and others made their applications. The applications were considered by a proper committee. It appears that Shri Bhagwan Singh

(3)

was considered to be the most suitable candidate. He was, therefore, given an appointment. As a sequel to this appointment, the applicant has been directed not to perform the work of a Store Lineman. This arrangement is being challenged by means of this O.A.

2. The only contention advanced is that in accordance with the relevant rules, Shri Bhagwan Singh could not have been appointed. The rule relied upon states that the post of a Store Lineman should not ordinarily be occupied by the same official continuously at a time for more than 4 years. According to the applicant, Shri Bhagwan Singh has been allowed to occupy the post of a Store Lineman. There was a break in that arrangement and thereafter in the proper selection, Shri Bhagwan Singh had been found fit. Learned counsel has further contended that apparently Shri Bhagwan Singh had been appointed on the mere consideration that he had an experience at his back. It is urged that this experience should be ignored in view of the aforementioned rule. We are not prepared to accept this submission. The rule, if read carefully, does not prohibit the reengagement of the same person on the same post after a break in service. The rule merely states that normally no one should be allowed to occupy the post in question continuously for a period of more than 4 years. If a man has acquired experience in a particular post, that experience cannot be wiped off and he is certainly entitled to the benefit of the same.

3. We find no substance in this O.A. and it is rejected summarily.

D.N.D.
(B.N. DHOUNDIYAL)
MEMBER (A)
22.02.1994

S.K.D.
(S.K. DHAON)
VICE CHAIRMAN
22.02.1994