

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.1353/88

DATE OF DECISION: 6.12.91.

SHRI B.R. BHALLA &amp; ORS.

...PETITIONERS

VERSUS

UNION OF INDIA &amp; ORS.

...RESPONDENTS

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE PETITIONERS

SHRI SANT LAL, COUNSEL

FOR THE RESPONDENTS

MRS. RAJ KUMARI CHOPRA  
COUNSEL.(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE  
MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

The petitioners in this case were appointed as Telecom. Mechanics in the year 1959 in the vacancies reserved for being filled up from among the combatants. The petitioners were allocated to the Equipment Department, Agra. In the year 1979, sanction was accorded for the creation of 80 posts of Telecom. Mechanics, out of which 27 were allocated to the department at Agra. The petitioners have averred in the Application that though they were originally accommodated in the places reserved for combatants, new posts having <sup>become</sup> ~~been~~ available for the civilians, the 5 petitioners were absorbed in the newly created vacancies allocated for civilian personnel. There is a further averment in the Application that the 5 petitioners were duly absorbed in those vacancies and that they were given the selection grade in due course. The grant of selection grade privilege to the petitioners was withdrawn by the impugned order dated 28.10.1986. exhibited at Annexure A-1. It is the said position that has been challenged in this Application.

✓ 2. The assumption made in the impugned order for

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depriving the petitioners from the privilege of selection grade is that the petitioners having been accommodated in the vacancies available for combatants, they are not entitled to the privilege of selection grade which is made available for civilian personnel. The petitioners have clearly averred that consequent upon sanction of 27 new posts for the department in Agra, the petitioners were absorbed in the posts created for civilian personnel. The said averment has not been controverted by the respondents. No material has been produced by the respondents to establish that the petitioners were not absorbed in the vacancies created for civilian personnel and continued in ~~the vacancies created for civilian personnel and continued~~ in the vacancies of the combatants even after the creation of new posts for civilian personnel. We must, therefore, hold that there is an error apparent on the face of the record in the impugned order dated 28th October, 1986. We have no hesitation in taking the view that the petitioners have ~~not~~ been accommodated in the vacancies created for civilian personnel. The withdrawal of the grant of selection grade to the petitioners is apparently wrong.

For the reasons stated above the Application is allowed and the impugned order dated 28.10.1986 is set aside in so far as it vacates the privilege of grant of selection grade to the petitioners. The respondents are directed to restore the said privilege to the petitioners with consequential benefits expeditiously. No order as to costs.

  
(I.K. RASGOTRA)  
MEMBER(A)  
6.12.91.

  
(V.S. MALIMATH)  
CHAIRMAN  
6.12.91.

/SKK/