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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 310/90

Date of decision 10.6.1994

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)

1. Shri V.K. Gupta,
S/o Shri B.K. Gupta,
R/o H.No.UA 2, Usha Park,
Hari Nagar, Jail Road,
New Delhi-64
2. Shri Rajinder Parshad,
S/o Shri Raghunath Parshad,
R/o 8/167, D.D.A. Flats,
Madan Gir,
New Delhi.

... Applicants

(None for the applicants)

Versus

1. Union of India,
Through Chairman,
Ministry of Communications,
Telecom Commission,
20 Akbar Road,
Sanchar Bhawan, New Delhi.
2. Asstt. Director General (C.W.G.)
Ministry of Communications,
Telecom Commission,
20 Akbar Road, Sanchar Bhawan,
New Delhi
3. The Chief Engineer (Electrical)
Department of Telecom,
15th Floor,
Devika Tower,
Nehru Place,
New Delhi.
4. The Superintending Engineer (Elect)
Department of Telecommunication,
Sanchar Bhawan, IIIrd Floor,
Ranjeet Nagar Complex,
New Delhi.

... Respondents

(By Advocate Mrs Raj Kumari Chopra)

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O_R_D_E_R

[Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)]

This case was listed for hearing with a note to the counsel that the first 10 cases are posted temporarily for final hearing. In spite of waiting for considerable long time, none appeared for the applicant. Hence, we heard the learned counsel for the Respondents and proceeded to deal with the matter on the basis of pleadings and records.

2. The applicants, who are working as Junior Engineers (Electrical) were recruited in the Ministry of Communication on the basis of an interview. According to them, they were interviewed by the Respondents for the posts of Junior Engineer (Electrical) on 18th November, 1978 and were informed during the course of interview that they were selected and told to wait for the appointment later. The two applicants were appointed to the posts of Junior Engineer (Electrical) on 31.3.1980 and 8.4.1980, respectively. Their grievance is that certain candidates, who were interviewed later and had been kept on the panel below the applicants were taken on duty prior to the joining of the applicants. They have stated that they had represented before the higher authorities, who had assured

them that their seniority right will not be affected. They have challenged the All India eligibility list of Junior Engineers dated 15.5.1989 (Annexure A-4) which was circulated on 17.5.1989. They have alleged that in view of eligibility list, their serial numbers have been reduced and number of their juniors, who have been selected/interviewed after their selection and who are below in the select list have become senior in the said impugned eligibility list. They have, therefore, prayed that the impugned seniority list may be quashed and set aside and direction may be given to the Respondents to revise the seniority list.

3. The learned counsel for the Respondents has submitted the following objections that the application is bad in law for -

- (i) Non-joinder of necessary parties;
- (ii) The application is barred by limitation;
- (iii) Having not challenged the circle seniority list published on 19.1.1989 and an earlier draft seniority list circulated on 29.10.1985 in this O.A. based on which the present impugned All India Seniority List had been published, the application is untenable; and
- (iv) The applicants are claiming seniority from the date of interview based on certain assurances stated to have been given to them which have been denied as false and misleading.

4. We agree with the submission of the learned counsel for the Respondents that the application suffers from

infirmity on the ground of non-joinder of necessary parties. The Respondents have also stated that the recruitment of Junior Engineers (Electrical) was being done at that time circle-wise and accordingly a draft seniority list of Junior Engineers (Electrical) was issued vide order dated 29.10.1985 which was followed by an updated circle seniority list dated 19.1.1989. Since the All India eligibility list is prepared on the basis of the circle seniority list, the applicant ought to have challenged the circle seniority list also which they have failed to do. We, therefore, find force in the argument that this O.A. is also time barred, since, the cause of action has arisen as early as 29.10.1985 and
B. when the updated seniority list was issued on 19.1.1989, and thus application has been filed only on 20.2.1990, ^{and} it is barred by limitation under Sec.21 of the A.T. Act, 1985. So on this ground also, the application is liable to be dismissed.

5. We also find that the claim of the applicants for seniority from the date of interview is untenable; their mere assertion that they were informed during the course of interview that they were selected and told to wait appears to be for the appointment/rather far-fetched and unsubstantiated. Such a procedure will also be contrary to established rules.

Moreover, this contention was also vehemently opposed

by the learned counsel for the Respondents as being baseless.

6. Having regard to the aforesaid facts and circumstances of the case, we find no merit in the application. The application is accordingly dismissed. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

S.R. Adige
(S.R. Adige)
Member (A)