

1. Shri Sadat Champaben Nathabhai
2. Shri Solanki Rameshbhai Ashabhai
3. Shri Rathod Nanharbhai Savabhai
4. Shri Vahora Mukhtarbhai Sikandarbhai
5. Shri Shankarbhai Dhulabhai Ninma
C/o. Divisional Engineer, Telegraphs,
Anand Division, Anand.

... Applicants

(5)

Versus

1. Telecom District Engineer,
Nagarpalika Building, Nadiad.
2. Divisional Engineer, Telegraphs,
Opp. Bus Stand, Near High Court,
Navrangpura, Ahmedabad.
3. General Manager, Telecom,
Gujarat Circle, Near High Court,
Navrangpura, Ahmedabad.

... Respondents

Court : Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Hon'ble Mr. P.M. Joshi

: Judicial Member

O R D E R

16.9.1987

Per : Hon'ble Mr. P.H. Trivedi, Vice Chairman

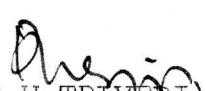
Heard learned advocates Mr.I.S. Supahia and Mr.J.D. Ajmera for the applicants and the respondents. In this case the applicants were selected for the post of Telephone Operators for Anand Telegraphs Engineering Division vide order dated 8.12.1983 at Annexure 'A' and thereafter sent for training and successfully completed the training. Thereafter they were placed on the list of 10 telephone operators to be utilised as S.D.T.O. at Annexure 'D'. Their grievances is that the persons who were placed in similar waiting lists in Nadiad Division are being appointed at Anand Division in the cadre of T.Os. They challenged the order dated 27.2.87 at Annexure 'F'. The respondents' contention is that in November, 1986 a policy decision was taken to combine Nadiad and Anand division into a Kheda district ~~are~~ on account of the concept of Secondary Switching Area (SSA). One of the

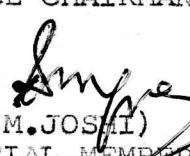
(6)

steps for implementing this policy was to prepare a combined seniority list for Anand and Nadiad divisions. This was done on 27.2.1987. In this seniority list, the ranking of the candidates followed the percentage of marks and according to this ranking, posts were given in the vacancy as arose in Nadiad or Anand. The petitioners' contention is that the combined seniority list was not notified to them in terms of a decision taken in a meeting on 12.11.1986 (Annexure 'G') which laid down in para 3 thereto that "the transfer and posting will continue to be issued normally within the erstwhile divisions till the composite gradation lists are prepared". In para 4 (of Annexure 'G'), it was also decided that the "formalities of recruitment and postings in respect of the Notification issued upto 31.10.1986 may be done by the respective erstwhile division".

2. After hearing the learned advocates, we find that the combined seniority list is the result of operating a procedure which is objective. As the annexure therein shows although the date of impugned order and the date of the combined seniority list are the same, the policy decision regarding combining the districts of Nadiad and Anand and forming the Kheda district area as a result of the sanction of SSA has been taken earlier, with the combination of the two districts and the formulation of the combined seniority list, and the posting of those who could secure a higher level of marks in the vacancies as and when they arose whether at Nadiad or at Anand by filling up the posts by persons selected happening to belong either to Nadiad or to Anand cannot be regarded as unjust in any manner. So far as the reference to the meeting dated 12.11.1986 in Annexure 'G' is concerned, we find that there is no bar in operating the combined seniority list or does not

not render the impugned order in any way bad or defective. This direction in respect of recruitment and posting is in respect of notification issued upto 31.10.1986. In the case of the applicants the recruitment was done prior to this date but that recruitment entitled them only to be sent for training and they are not vested with any right in getting any appointment thereafter. When the question of posting came up, this was with reference to vacancies which arose after the said dated 31.10.1986 in respect of which if any notification has to be issued, it will have to be subsequent to this date and in terms of the decision there is no bar in operating decision in the Annexure 'F', which has been impugned or of the combined seniority list dated 7.12.87. We, therefore, find that the petition has no merit and is rejected. No order as to costs.


(P.H. TRIVEDI)
VICE CHAIRMAN


(P.M. JOSHI)
JUDICIAL MEMBER