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IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No. /333/89
T.A. No.

DATE OF DECISION September 2, 1993

Kishorprasad Gordhanprasad Petitioner

Mr. R.V. Deshmukh Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr. Akil Kureishi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Judicial Member

The Hon'ble Mr. M.R. Kolhatkar : Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Kishoreprasad Gordhanprasad,
A S W (E),
C/31, P & T Complex,
Jodhpur Char Rasta,
Satellite Road,
Ahmedabad.

....Applicant

Advocate Mr.R.V.Desmukh

versus

1. Union of India, through
Member (Services),
Telecommunications Commission,
Department of Telecommunication,
Parliament Street,
New Delhi-
2. Superintending Engineer (Electrical),
Telecommunication Electrical Circle,
35, Vishwakunj Kutir,*
Baliakaka Road,
Near Mira Talkies,
Ahmedabad.
3. Superintending Engineer (E),
Telecommunication Electrical Circle,
Third Floor, Sion Post Office Building,
Bombay-400 002

.....Respondents.

Advocate Mr. Akil Kureshi

ORAL JUDGEMENT

O.A./333/89

Date : 02/9/1993

Per : Hon'ble Shri M.R.Kolhatkar,
Member (A).

This is an original application under section 19 of the Administrative Tribunals Act,. The applicant ,who belong SC community was appointed as Junior Engineer (Electricals) on 15th December,1978 in the Telecommunications Department, and was promoted to officiate on purely temporary and ad hoc basis by order dated 30th December,1986, as Assistant Engineer (E), vide

Annexure A/1, and took charge of the post on 17th January, 1987. Since then, he has been working as Assistant Engineer in different places. From 1st June, 1989, he worked as Assistant Surveyor of Works (ASW), (E) a post equivalent to Assistant Engineer at Telecommunications Electrical Circle, Ahmedabad. The applicant had appeared for the departmental qualifying examination in 1987 but he failed in the same. It is contended by the applicant that the reason for his failure was that he was not assessed according to relaxed standard applicable to SC candidates, as per the departmental circulars. By the order dated 2nd August, 1989, which is the impugned order at Annexure A/5, the department appointed 37 Junior Engineer's to officiate as Assistant Engineers on purely temporary and ad hoc basis. Para-6 of the order states that / officials working as Assistant Engineers (E) on ad hoc basis and not covered in the above list may be reverted to the grade of Junior Engineer and the applicant, not being included in the list was also required to be reverted. This Tribunal vide its order dated 23rd August, 1989, having regard to the facts and circumstances of the case protected the applicant by way of interim relief of continuance in the post of Assistant Engineer for a fortnight in the first instance and the same is in force today. The contention of the respondent on 6th September, 1989, that the regularly selected candidate by name Tulsikumar Parihar has been posted at Ahmedabad to take the place of the applicant was not accepted by the Tribunal because, there was no order of reversion passed qua the petitioner showing that he is replaced by a regular promotee.

had filed an M.A. to amend the O.A. vide M.A./356/92 in which the applicant had pointed out that he has since passed the departmental examination and had annexed to the M.A. the circular dated 14th March, 1992 which shows the applicant in the list of the qualified candidates, though the community against the name of the applicant namely ST appears to be a misprint. The applicant, therefore, had sought the relief that apart from the quashing the impugned order, the respondents should be directed to include his name in the eligibility list for promotion of Assistant Engineer. This M.A. was allowed on 20th October, 1992.

3. Today, we have heard the learned advocates for the both the parties. The advocate for the applicant, apart from setting out facts of the case has stated that having passed the departmental examination, he does not wish to argue the point about the relaxed standard applicable to SC/ST candidates in regard to departmental examination.

4. The present situation therefore, is that the applicant who was appointed on purely temporary and ad hoc basis, who was replaced by other ad hoc appointees and protected by this Tribunals' order, has since become eligible to be appointed as an Assistant Engineer on a regular basis by virtue of his having qualified in the departmental examination. We, therefore, dispose of the case by passing the following order.

5. ORDER

The application is allowed. The impugned order, dated 2nd August, 1989, Annexure A/5, is quashed quo the applicant. In view of the facts

brought out in the M.A./356/92, the respondents are directed to ~~xxxx~~ include the name of the applicant in the list of officers eligible for promotion to the post of Assistant Engineer on a regular basis. The respondents are directed to continue the applicant as Assistant Engineer and are restrained from reverting him so long as his juniors and in particulars the ad hoc appointees enumerated in the impugned order dated 2nd August, 1989 continue to officiate as Assistant Engineers. So far as seniority of the applicant as Assistant Engineer is concerned, the department is directed to decide the same in accordance with rules in force. No order as to costs.

R.C.Bhatt

(R.C.BHATT)
Judicial Member

M.R.Kolhatkar

(M.R.KOLHATKAR)
Administrative Member.

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