

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. / 142/90
~~T.A. No. /~~

DATE OF DECISION 21/10/1992

Kumari Chhaya B.Thakkar

Petitioner

Mr. B.G. Jani

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Mr. P.M. Rawal
Akhil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan
Vice Chairman

The Hon'ble Mr. R.C. Bhatt
Member (J)

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 ? ✗

....2....

①

Kumari Chhaya Bansilal Thakkar,
residing at 6-B, Janata Nagar,
Ramol, Ahmedabad.

.....applicant

(Advocate : Mr. P. G. Jani)

VERSUS

1. Assistant Engineer (Recruitment),
Ahmedabad Telecom District,
Department of Telecommunication,
Office of the General Manager,
Telecom, Ramnivas Building,
Ahmedabad.

2. Union of India, Notice to
be served through of
Telecommunication, Office
of the General Manager,
Telecom (Recruitment Section),
Ramnivas Building,
Ahmedabad.

.....respondents

(Advocate : Mr. ^{Akhil Kureshi}~~P. M. Rawal~~)

ORAL JUDGMENT

O.A./142/90

Date : 21/10/1992

Per : Hon'ble Mr. R. C. Bhatt

Member (J)

1. This application under section 19
19 of the Administrative Tribunal Act, 1985 has been
filed by the applicant against the Department of

res

Telecommunication for directions that the respondents be directed to ~~x~~ issue the formal appointment order to the applicant appointing her as Hindi Typist , in the office of the respondent against the permanent vacancy. The undisputed facts in this case are that the applicant had obtained intimation card dated 16th May, 1989 from the respondents office at A'bad, advising her that there is a permanent ~~x~~ vacancy of Hindi Typist in the scale Rs. 950-1500 in the Department of Telecommunication at A'bad, that the respondent no.1 vide letter dated 8th September, 1989 advised the applicant that her name was nominated by Employment Exchange, A'bad, for the recruitment of Hindi Typist. She was advised to remain present for typing test on 21/9/1989. She appeared subsequently in the typing test and ultimately, the respondent ~~x~~ issued a letter dated 11th October, 1989 in respect of the recruitment in the cadre of Hindi Typist, 1989 intimating her that she had been successful in that Hindi typing test. Thereafter, she was advised by the respondent to attend the office for completing pre-appointment formalities which original documents. Thereafter, she also completed the medical ~~x~~ examination and she was found physically fit, ~~also~~. It is undisputed fact before us that she had completed all formalities and she was waiting for her appointment. She was even directed to fill up the application form for recruitment to the ~~x~~ cadre of Office Assistants by the respondent no.1 which she complied with the same day and then she was waiting for the appointment order.

2. However, the applicant did not receive any appointment order and order of posting but there was communication from the respondent to the applicant, and therefore, she wrote a letter dated 16th December, 1989 to the respondent no.1 for issuing a formal appointment order but, there was no reply. The case pleaded by the applicant is that thereafter, the applicant's father inquired the matter in the office of ~~the~~ the respondent no.1. but, even then there was no response. It is the case of the applicant that she is legally entitled to obtain the appointment order from the respondents.

3. The respondents have not disputed the above facts but, in their reply they have come out with the case in the reply that the respondents ultimately found out that this was a second post of Hindi- Typist, which was kept reserved for the candidate belonging to ST community. The respondents have contended that as the applicant belongs to the general category and the post which was vacant was for ST community, applicant was not appointed and the reference is made to the communication of Government of India, dated 25th October, 1989.

4. In the instant case, we notice that the respondents rely on the Government Communication dated 25th October, 1989 in pursuance of which the formal appointment order was not given. However, we cannot ignore the fact that the applicant is selected by respondents. She has complied with all the pre-appointment formalities. Though there is no legal flaw on the part of the respondents in not giving the appointment to the applicant on the basis of the communication of the Government of India, dated

...5....

10

25th October, 1989, it would be just and fair if the respondents give the appointment to the applicant when any such vacancy arises at present or in future on this post of the general category. Learned counsel for the applicant has submitted that the applicant is prepared even to go out of Ahmedabad, if the appointment is given to her out of Ahmedabad. Hence, we pass the following order.

5.

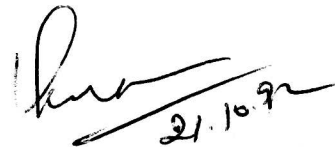
= O R D E R =

The relief prayed by the applicant, is not granted, but, the respondent no.2 is directed to give the appointment to the applicant in the post of Hindi - Typist, if there is such permanent vacancy in that post at present or in the next available such vacancy even out of Ahmedabad, before considering other candidates, of general category for this post. ^{with} this observation and direction the application is disposed of ^{as} above. No order as to costs.



(R.C. BHATT)

MEMBER (J)



(N.V. KRISHNAN)

VICE CHAIRMAN

*SS