

NO
Not allowing
to perform
duty as switch
operator

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 195 of 1990
T.A. No.

DATE OF DECISION 23rd February 1993

Smt. Aruna Vagehla Petitioner
Shri Girish Patel Advocate for the Petitioner(s)
Versus
Union of India and others Respondent
Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan Vice Chairman.
The Hon'ble Mr. B.S. Hegde 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 ?

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Smt. Aruna Vagehla
T-2/4, Old Hospital lines,
M.E.S quarters, Cantonment,
Ahmedabad-3

Applicant.

Advocate Shri Girish Patel

Versus

1. Union of India
(Notice through the
Secretary, Ministry of
Defence, New Delhi)
2. Administrative Commandant
Station H.Q. Cantonment,
Ahmedabad.

Respondents.

Advocate Shri Akil Kureshi

J U D G E M E N T

In

O.A. 195 of 1990

Date : 23rd Feb. 1993

Per Hon'ble Shri B.S. Hegde

Member (J)

The applicant is aggrieved by her non-appointment as a **Telephone** operator. The brief facts of the case giving rise to grievance are as follows:-

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1.1 It is stated by the applicant is that there was an advertisement (Annexure A-1) by the respondent No.2 Administrative Commandant Station, Head Quarter, Cantonment, Ahmedabad in the Times of India dated 5-6-1989, inviting applications from Scheduled Tribe candidates for the post of Telephone Operator for Military Exchange, Ahmedabad, The qualification prescribed for the said post was "SSC or its equivalent with PBX course and knowledge of English.

1.2 The applicant being a ST candidate and having passed SSC examination in the year 1979 and possessing knowledge of English had applied (Annexure A-2) for the said post on 13-6-1989. Accordingly, she was interviewed on 22-7-1989 and she alleges that she has been selected because by the letter dated 26-7-1989 Annexure A-5) she was asked to report to the respondents head-quarters and she successfully underwent a medical check up at Military Hospital, Ahmedabad on 27-7-1989. Police verification was also made during that time. She contends, that she has been told by the authorities that she would be given appointment order and that thereafter she has to resume duties. However, no appointment order was given to her. In the meantime, she made a representation (Annexure A-8) dated 6-11-1989 to the respondent No.2 questioning the authorities about the delay in issuing the appointment order and requested them to issue appointment order on or before 14th November 1989.

1.3. The respondents informed vide her letter dated 23-1-1990, (Annexure A-9) that her appointment for the said post has not been approved by the competent

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authority as "you did not have English as one of the subject in your SSC examination which is a essential qualification" for the said post and hence her application has been rejected.

1.4 In the above circumstance, she has filed this application praying for quashing and setting aside the Annexure A-3 order dated 23-1-1990 and direct the respondents to appoint her as a telephone operator.

2. As against this, the respondents contends that the application is misconceived and not maintainable at ~~xx~~ law and no legal right of the applicant has been violated, because there is no violation of any Recruitment Rules in the appointment of the candidate. Since she has not been given appointment order, the question of her challenging the rejection order hardly arises. Hence, the present application is premature in view of the section 20 of the Administrative Tribunals Act, 1985. The respondents also contend~~x~~ that it is true that the Annexure A-1, advertisement was given in "Times of India". However, the detailed service conditions were not elaborately mentioned in the advertisement but the same were explained at the time of interview after having checked the documents to see whether the requisite qualifications are satisfied. They also contend that no assurance was given that she ~~x~~ would be given an appointment order at Ahmedabad Head Quarter as Ahmedabad Head Quarter does not have any authority to issue such an appointment order unless the approval of the Signal Jabalpur is made. The mere fact that she was told that her application would be considered, does not give her any right to challenge the

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order. Since the Recruitment Rules provide that English is must in SSC examination, merely because she was interviewed and she was asked to undergo medical and police verification does not give her any right to get the appointment order.

3. We have considered the rival contentions of the parties. During the course of final hearing Shri Akil Kureshi, the learned Counsel for the respondents brought to our notice the relevant recruitment Rules which is kept on record. The Schedule clearly indicates that "Matric or its equivalent with English, as a compulsory subject" is an essential condition. It is an admitted fact that on examination of Educational Qualification of the applicant it is made out that she has not passed SSC with English as a compulsory Subject which is the necessary qualification. Therefore, she was not considered eligible for the post. It is necessary to add that Shri Girish Patel, the learned Counsel for the applicant was fair enough to concede the fate of the application depended on the exact provisions in the recruitment rules.

4. We are satisfied that the relief prayed for in this application is not at all justified and the Annexure A-9 letter does not call for our interference. The application has no merits. Hence it is dismissed.

5. There will be no order as to cost.


(B.S. Hegde)
Member (J)


(N.V. Krishnan)
Vice Chairman.

*AS.