

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

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O.A. NO. 199/90 and 200/90

~~P.C. NO.~~

DATE OF DECISION 20-9-94

Mr. G.H. Kataria
and

Mr. Kataria Raya Suda

Petitioner

Mr. B.B. Gogia

Advocate for the Petitioner (s)

Versus

Union of India and Others

Respondent

Mr. Akil Kureshi

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr.

K. Ramamoorthy

Member (A)

The Hon'ble Mr.

Dr. R.K. Saxena

Member (J)

JUDGMENT

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

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Shri G.H. Kataria
Village Khamdrol
(Via) Dolatpura,
Dist. Junagadh.

Applicant in O.A. 199/90

Advocate Mr. B.B. Gogia

Shri Kataria Raya Suda,
Ravani,
Joshi pura, Taluka Vanthali

Applicant in O.A. 200/90.

Advocate Mr. B.B. Gogia

Versus

1. Union of India
Through Secretary
Telecom Deptt.
New Delhi

2. Telecom Dist. Engineer
Junagadh District,
Junagadh.

Respondents in both the
O.A.s.

Advocate Mr. AKIL KURESHI

ORAL JUDGMENT

In

Date: 20-9-1994.

O.A. 199/90 and 200/1990

Per Hon'ble Dr. R.K. Saxena

Member (A)

These are two applications, moved by Serva Shri
G.H. Kataria and R.S. Kataria. Since the point in dispute is
one and the same, both these matters are being disposed of by
common judgment.

2. In this case, the applicants were selected for the

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posts of Telephone Operator on the basis of the fact that they belong to Schedule Tribe community. The applicants had submitted the requisite certificates from the competent authority but the respondents wanted to get them verified, and this process of verification is continuing for the last four years. It is surprising that the respondents could not get these verification done at the minimum possible time.

3. It is also averred in the reply by the respondents that the select list has been cancelled because of the fact that verification of the fact whether the applicants belonged to Schedule Tribe, could not be made. As a matter of fact, it is no fault of the applicants themselves. They had submitted certificates in proof of their being members of the Schedule Tribe, and if the respondents were not satisfied, they ought to have got the verification done in a shortest period but it was not done.

4. There is no dispute that merely because a person finds place in the select list, he does not get right of appointment. But in case vacancies are there and the select list persists, the applicants should not be denied the right only because the verification could not be done. We, therefore, direct the respondents that necessary verification of the fact that the ~~applicants~~ applicants belonged to the community of Schedule Tribe, be made within 10 weeks and the decision about their appointment to be made or not, be taken. The result shall be intimated to the

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to the applicants within two weeks thereafter. The applications are disposed of accordingly. No order as to costs.



(Dr. R.K. Saxena)
Member (J)



(K. Ramamoorthy)
Member (A)

*AS.