

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~RECORDED EXCEMPT~~O.A. No. 108/91
~~Exhibit No.~~

198x

DATE OF DECISION 4.4.1991

Shri D.N.Vaidya & Ors.

Petitioner

Mr.P.K.Pandya

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr.P.M.Raval

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M.Singh : Administrative Member

The Hon'ble Mr. S.Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? Yes

1. Shri D.N.Vaidya,
Telegraph Master (Technical)
D.T.O., Navrangpura,
Ahmedabad.
2. Shri M.D.Barot,
Telegraph Master (Technical)
D.T.O. Navrangpura,
Ahmedabad.
3. Shri V.P.Kadiya,
Telegraph Master (Technical)
S.F.T., C.T.O., Ahmedabad.
4. Shri B.S.Joshi
Telegraph Master (Technical)
C.T.O., Ahmedabad.
5. Shri A.K.Patel
Telegraph Master (Operative)
C.T.O., Ahmedabad.

: Applicants

(Advocate: Mr.P.K.Pandya)

Versus

1. Chairman/Secretary,
Telecom Commission,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi.
2. Chief General Manager, Telecom,
Gujarat Circle, Ambica Chambers,
Near Gujarat High Court,
Navrangpura, Ahmedabad.
3. Area Manager, Telecom,
Ahmedabad Area,
2nd Floor, Bulabhai Chambers,
Nehrubridge West End,
Ashram Road, Ahmedabad.
4. Central Telegraph Office,
Ahmedabad.
5. Central Telegraph Office,
Ahmedabad.
6. D.T.O. Railwaypura,
Ahmedabad.
7. D.T.O., Vavrangpura,
Ahmedabad.
8. Central Telegraph Office
Ahmedabad.
9. D.T.O., Naroda,
3, Ghiyanagar,
Naroda, Ahmedabad.

(Advocate: Mr.P.M.Raval)

: Respondents

O R A L O R D E R

O.A./108/91

Date: 4/4/1991

Per: Hon'ble Mr. M.M.Singh

: Administrative Member

Heard Mr.P.K.Pandya, learned counsel for the applicant.

M H L

..3..

None appears for the respondents.

2. This original application under Section 19 of the Administrative Tribunals Act, 1985 filed by five Telegraph Masters, Telecom, Gujarat Circle seeks three reliefs as follows:-

- "(A) To direct the respondents to defer the appointments for 10% quota (Rs.2000-3200), as Recruitment Rules are being framed.
- (B) Consequently, the order No.DT/Staff-I/II/BCRS/TL-AM-90, dated 25.2.1991, issued by the Respondent No.3, be set aside and declared null and void, as it is illegal, arbitrary and capricious and doing injustice to the applicants,
- (C) The respondents be directed to prepare and four recast seniority list of Telegraph Master(OP) and circulate to all concerned officials."

There is interim relief prayer also as follows:-

- "(A) Pending hearing and final decision of this application, the respondent No.2 & 3 be restrained from issuing orders of 10% quota (Rs.2000-3200) for filing four vacancies meant for these applicants and keep four vacancies unfilled."

3. The relief at (A) above is not in order, as far as seeks indulgence of the Tribunal to hold the hands of the respondents to take action to fill up vacancies against a certain quota and till Recruitment Rules for that quota are framed. There is no evidence in the application to the effect that without framing the Recruitment Rules the apprehended action is going to be certainly taken by the respondent.

4. Regarding relief at (b), the order dated 25.2.1991 at Annexure A/6 grants promotion on the basis of 26 years of service under Biennial Cadre Review Scheme w.e.f. the date shown against each purely on temporary basis. For all the 64 persons appearing in this order, the date of promotion is 1.12.1990. It is alleged that the respondents are likely to take this order as seniority list of those in whose favour the order has been issued. The mere perusal of this order suffices to show that it is not intended to be a seniority list much less a list should be implemented for any future promotion.

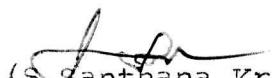
(3)

Besides, the beneficiaries of the promotion order cannot be M deprived M departed of the benefits of the promotion without even being impleaded as respondents and by issuing of any order stating this promotion order at their back.

5. The relief at (C) seems to be connected with the fears of the applicants. The relief sought at (B) above is unfounded.

6. The above relief/stated above there is no question of interim relief being warranted in the situation. There is no application for joint petition by the applicants. M being of the character M filed permission

7. In view of the above, we see no grounds made out in the application for any further consideration. We reject the application.


(S. Santhana Krishnan)
Judicial Member

M. M. S
(M.M. Singh)
Administrative Member

a.a.b.