

de
Deletion of name do

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 196/
~~TAO No.~~

198 91

DATE OF DECISION 25-6-1991

Shri Punjabhai S. Parmar Petitioner

Mr. B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. R.C. Bhatt : 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*

: 2 :

Shri Punjabhai S. Parmar
Telecom Inspector Gr. II,
Office of CTCI (Const.)
Western Railway,
Ahmedabad.

: Applicant

(Advocate: Mr. B. B. Gogia)

Versus

1. Union of India
Through:
General Manager,
Western Railway,
Churchgate, Bombay.
2. Chief Signal & Telecommu-
nication Engineer,
Western Railway,
Churchgate, Bombay.
3. Chief Communication Engineer,
Western Railway,
Churchgate,
Bombay.
4. Shri A. K. Gupta,
Telecom. Inspector Gr. II
Office of the Western Railway,
Baroda Division,
C/o D.R.M., Western Railway,
Baroda.

: Respondents

(Advocate: Mr. N. S. Shevde)

O R A L O R D E R

Dt: 25.6.91

O.A./196/91

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

: Administrative Member

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant who is working as Telecom Inspector Grade II and whose name came to figure as last name in the provisional panel ^{for promotion} dated 3.9.1990 (Annexure A/3) and later his name came to be deleted by letter dated 11/12-10-90 (Annexure A/5) for the reasons and grounds mentioned in that letter. The applicant questions the deletion of his name from the provisional panel.

2. The grounds canvassed in support of the application consist of : (1) that the ^{name} ~~claim~~ has been deleted by an officer ^{held} ~~had~~ of a who/rank equal to the officer who had promulgated the panel. We notice that the panel dated 3.9.90 is signed for CC E (E). There is no mention in the body of the letter dated 3.9.90 that the same has been promulgated by the approval of any officer.

H M *[Signature]*

..2..

Hence the argument that the panel was promulgated under approval of CC E (E) has no substance in the record.

The panel order correcting the panel is issued for CSTE(E) and it clearly mentions that the order has the approval

of CSTE.(E). It is the contention of the learned counsel for the applicant that the CSTE (E), CC E (E) are officers of

equivalent rank. Such averments ^h appeared in the application ^h are not furnished with ^h of the pay and scales. (2) The second argument canvassed

is that the correction was made without providing any opportunity to the applicant to represent against the correction. We notice that the panel promulgated dated 3.9.1990 is provisional and subject to the finalisation of the Court cases pending in the Supreme Court and various C.A.Ts. in connection with ~~the~~ SC and ST employees. The correction is also provisional as stated in the letter 11/12-10-1990. When the original panel as well as the correction are provisional, there is no question of the applicant developing any vested interest to appear in the panel, and correction can be made without giving any opportunity to the applicant to be heard. No civil right of the applicant has been ^{violated} ^h filed by the correction. (3) There is

no proper assessment of vacancies. It is clear from the panel dated 3.9.1990 that the number of vacancies has not been stated in it. The information with regard to number of vacancies to be taken into consideration and number of candidates to be considered looking to the ^{number} of vacancies has to figure in the proceedings of the D.P.C. When ^{that number} ~~no~~ principle ^h has been disclosed, obviously and argument to say that the vacancies have not been assessed correctly will be without any substance.

3. However, it has ^{been} ~~to be~~ brought to our notice that Annexure A/1 dated 23.3.1990 in its ~~the~~ first sentence mentions that "It is proposed to hold a selection for

^h ^h ^h

: 4 :

forming a panel of 34 employees suitable for promotion to the post of Telecom." However, the argument of the learned counsel for the applicant is that this does not state the number of vacancies.

4. In view of the above, we do not feel that this matter deserves ^Mfor further consideration. The application is hereby rejected.



(R.C. Bhatt)
Judicial Member



(M.M. Singh)
Administrative Member

a.a.b.