

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 487/87

Transfer Application No:

DATE OF DECISION 25.2.93

V K Gupte & K J Batra Petitioner

Mr. G S Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr. A L Kasture

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K.Dhaon, Vice Chairman

The Hon'ble Shri Ms. Usha Savara, Member(A)

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 ?

*Sy
V.C.*

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(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

OA NO.487/87

1. V K GUPTA
2. K J BATRA

APPLICANTS

V/s

UNION OF INDIA
through General Manager
Western Railway
Churchgate
Bombay 20 & 2 ors.

Respondents

Coram: Hon. Shri Justice S.K. Dhaon, Vice Chairman
Hon. Ms. Usha Savara, Member (A)

APPEARANCE:

Mr. G S Walia
Counsel
for the applicant

Mr. A L Kasture
Counsel
for the respondents

ORAL JUDGMENT:
(Per: S K Dhaon, Vice Chairman)

DATED: 25.2.93

On 1.12.1984 a notification was issued in the Railway monthly gazette inviting application from qualified candidates to fill up the posts of Law Assistants. The notification made it clear that there were 11 vacancies. The applicants and others applied. A selection board met and considered the various applicants, including the applicants. It chose the best of the 11 candidates and empanneled them. The applicants were not amongst the first 11. They feel aggrieved and hence this application.

2. No complaint is made in this Tribunal with respect to the process of selection. The only argument advanced

is that in fact there were more than 11 vacancies and, therefore, the selection committee was in error in confining its recommendation for the empanelment of only 11 candidates.

3. In the reply filed it is stated that some time in the year 1985 need was felt for additional 9 posts and therefore temporary appointments were given. Admittedly the applicants were appointed against the temporary vacancies. It is also stated that the need for additional vacancies arose in the midst of the selection process. This appears to be correct, as we have already noted that the notification was issued in December 1984. The contention, therefore, that there were existing vacancies when the selection process commenced is not sound.

4. The application has no force. It is dismissed, but without any order as to costs.

U. Savara 2.93
(Usha Savara)
Member(A)

Sy
(S.K.Dhaon)
Vice Chairman