

J A I P U R .

T.A. No. 2418/86
(CS 295/77)

Date of Decision: 10.8.92

Gauri Shankar : Plaintiff/Applicant
Mr. M.S. Gupta : Counsel for the Applicant.

VERSUS

Union of India & Others : Respondents.

T.A. No. 2415/86
(CS 293/77)

Kishan Chand : Plaintiff/Applicant
Mr. M.S. Gupta : Counsel for the Applicant.

VERSUS

Union of India & Others : Respondents

T.A. No. 2426/36
(CS 296/77)

Kan Singh : Plaintiff/Applicant
Mr. M.S. Gupta : Counsel for the Applicant.

VERSUS

Union of India & Others : Respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. B.B. Mahajan, Administrative Member

HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN

In all the three cases, the common question of law are is involved. As such, we/deciding these by a common judgment. The applicants were Class IV employees. A notification was issued on 30.6.1976 inviting applications for selection for the departmental promotional posts of clerks. The applicants also submitted the applications and they appeared in the said examination. It was mentioned in the notification that the vacancies will be determined later and subsequent notification will be issued before the examination was conducted. Authorities issued a notification on 21.10.76 and stated therein that there was no vacancy in Jaipur Telegraph Traffic Division. In the result published on 19.2.77 it was mentioned that there was no vacancy in this Division in which the applicants were

working. All the applicants filed suits in the Court of Additional Munsif & Judicial Magistrate, Court No. 2, Jaipur City.

2. The suit was dismissed, appeal was preferred and the case was remanded on the ground that the applicants should be given further opportunity to adduce evidence. All these cases were transferred to this Tribunal under Section 29 of Administrative Tribunals Act after evidence had been recorded.

3. On behalf of the applicants, Mr. Gupta submitted that they passed the examination and he has given the details in para 11 of the plaint. He also submitted that ordinarily the recruitment should be on the state-basis. We have perused the statements of the witnesses on record. DW.I Sahib Singh, Asstt. Director General, Telegraphs, New Delhi has stated that the appointments and promotions are made Division-wise and not Circle-wise. He has further stated that "Jaipur Telegraph Division" and "Jaipur Telegraph Traffic Division" are independent Divisions. He has further stated that before the commencement of the examination it was notified on 21.10.76 that there was no vacancy in Jaipur Telegraph Traffic Division. Mr. Gupta was asked to show rules of recruitment and he could not point out any rule or instruction to substantiate his submission that the combined panel for the entire Circle should have been prepared. We have gone through the record and we do not find any force in the suit. All the three TAs are accordingly rejected. Parties to bear their own costs.

AH84

[Handwritten signature]
13-8-72

Sd/-
(B.B. MAHAJAN)
Admn. Member

Sd/-
(D.L. MEHTA)
Vice Chairman