

J A I P U R.

O.A. No. 690/92 ..... Date of decision: 25.8.94

KEDAR LAL : Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. S.C. Sethi : Counsel for the applicant.

Mr. U.D. Sharma : Counsel for the respondents.

CORAM:

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

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

Shri Kedar Lal, in this application, has prayed that the order dated 15.4.87(Annexure A-8) by which he was informed that his name has been deleted from the panel of Junior Engineers in Rajasthan Telecommunications Circle, may be quashed and that his name may be kept on the select panel of 1983 and he should be given appointment on the post of Junior Engineer if and when any persons from the panel of 1983 are appointed to the post of Junior Engineers.

2. The applicant applied for selection to the post of Junior Engineer in response to notification (Annexure A-1) under which selections were/made <sup>to be</sup> ~~from amongst~~ persons for SC and ST / the posts of Junior Engineers in Rajasthan Telecommunications Circle. Annexures A-2 and A-3 show that the applicant was selected for inclusion in the panel. As per Annexure A-4, he was asked to furnish a security deposit of Rs. 500/-. However, by Annexure A-7, dated 19.5.86, he was informed that due to Cabinet ban on fresh appointments, his appointment as Junior Engineer is likely to be delayed indefinitely. He was further informed by this letter that in these circumstances he may collect his testimonials from the office so that he can try for appointment elsewhere. By Annexure A-8 dated 15.4.87, he was informed that his name in the panel:

of 1983 has been cancelled. The applicant is aggrieved by the action of the respondents in deleting his name from the panel of Junior Engineers drawn up on the basis of recruitment conducted as aforesaid.

3. The respondents, in their reply, have stated that they already have with them a backlog of 231 duly selected candidates awaiting appointments to the posts of Junior Engineers. The applicant is at serial no. 50 in the panel of 1983 in which there are 59 persons. The ban on appointments has been extended from time to time. In these circumstances, the applicant will not get an opportunity to acquire an appointment as Junior Engineer on the basis of aforesaid recruitment.

4. We have heard the learned counsel for the parties and have gone through the records.

5. The learned counsel for the respondents stated that the panel drawn up on the basis of recruitment done in response to notification (Annexure A-1) has already been cancelled. However, there is no specific averment to this effect in the reply of the respondents. Moreover, the applicant has been informed also vide Annexure A-8 that his name has been cancelled from the panel of 1983 and it is not that the entire panel, as such, has been cancelled. If the panel as a whole has not been cancelled by the respondents, there is no justification for deletion of an individual name from the said panel, even if the respondents are not in a position to offer appointments to the persons included in the panel of 1983 immediately because of non-availability of vacancies. But, if the panel is in existence, the candidates included therein are entitled to appointment as and when their turn comes. The respondents are free to fill up the vacancies on the basis of the names of selected candidates already available with them on the basis of recruitments made earlier, and who are awaiting appointments, prior to the inclusion of

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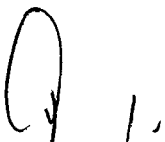
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the name of the applicant in the select list of 1983. However, after all the appointments of persons eligible for appointment prior to the formation of panel of 1983 are made, and if thereafter the respondents decide to make any appointments out of the panel of 1983, the applicant would also be eligible for appointment in his turn from the panel of 1983. We, therefore, direct the respondents to take action accordingly as and when the applicant's turn comes for appointment, if and when they decide to make appointments out of the panel of 1983.

6. The O.A. is disposed of accordingly, with no order as to costs.

  
( O.P. SHARMA )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman