

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 583/88

Date of Decision: 17.12.92

SANJAY SHARMA : Applicant.

Mr. K.S. Sharma : Counsel for the applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

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

CORAM:

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

Hon'ble Mr. Gopal Krishan, Member (Judicial)

PER HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER:

Sanjay Sharma has filed this application U/S 19 of the Administrative Tribunals Act, 1985 for quashing the order dated 15.4.87 from General Manager, Telecommunications, Rajasthan Circle by which select panel of 1983 year of vacancies of Junior Engineers was cancelled.

2. The applicant had appeared in the examination for the post of Junior Engineers (which is now designated as Junior Telecom. Officer) for the Rajasthan Circle in December, 1983. Total posts advertised were 210, out of which 117 were for general category. The applicant was selected for the post. He was asked to file an agreement undertaking to serve the Department atleast for 5 years which he duly furnished. He also furnished surety and security deposit as asked for by the respondents and also appeared for medical examination and was declared medically fit. Subsequently, however, he was intimated by the respondents vide letter dated 24 March, 86 (Annexure A-2) that due to ban on fresh appointments his training and subsequent appointment as Junior Engineer in the department was likely to be delayed indefinitely and no firm commitment could be made in this regard. He was subsequently vide impugned order dated 15.4.87 (Annexure A-1) intimated that as per the existing situation, there was no likelihood of

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his being appointed in the near future and as such, his name had been cancelled from the select panel of 1983 year of vacancies. He has also stated that ban order had been applied to the selection made by the Staff Selection Commission during the year 1982 and 1983 which were advertised before the issue of ban order in January, 1984 as clarified by the Department of Telecommunications in its Memo dated 3.2.86. The applicant had, therefore, prayed that the impugned order dated 15.4.87 may be quashed and the respondents may be directed to give him appointment and posting order.

3. The respondents have contested the application and filed the reply.

4. We have heard the learned counsel for the parties.

5. The learned counsel for the applicant has referred to the Judgment of this Bench in O.A. 593/90- Chhotey Lal Meena Vs. Union of India & Ors decided on 24.11.92 in which a similar application by those persons who had been selected against the promotion quota in the vacancies of 1984 had been decided. The learned counsel for the respondents has admitted that the facts in the present application are broadly similar to those of Chhotey Lal Meena's case (supra) except that in this case, the applicant had applied in the direct recruitment quota while in the Chhotey Lal Meena's case, the applicants were from departmental quota. Following the Judgment of this Bench in Chhotey Lal Meena's case (supra), we do not propose to interfere with those cases where the selected candidates have already been deputed for training. However, we allow this application partly and direct that the applicant shall be deputed for training and offered subsequent appointment against any vacancy which may exist at present in the quota to be filled by direct recruitment. In case, there is no such vacancy at present he shall be deputed for

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training and given subsequent appointment in the next vacancy that may arise in the direct recruitment quota. No further candidate out of the subsequent select list shall be sent for training or any further selection made until the applicant is appointed.

Parties to bear their own costs.

Gopal Krishna
(GOPAL KRISHNA)
Member (Judicial)

B.B. Mahajan
(B.B. MAHAJAN)
Administrative Member

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