

J A I P U R .

O.A. No. 84/93

Date of decision: 13.10.93

KANA RAM MALI & ORS

: Applicants.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. Virendra Lodha

: Counsel for the applicants.

Mr. K.N. Shrimal

: Counsel for the respondents.

CORAM:

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

Hon'ble Mr. P.P. Srivastava, Administrative Member

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

Applicants except Shri Prithvi Raj Shekhar were appointed in July, 85 whereas Shri Shekhar was appointed in August, 85.

2. Smt. Vimla Rani was appointed as LDC on 24.1.84 on compassionate grounds. Earlier, she could not pass the type test. However, later on exemption was granted to her. In the seniority list, Annexure A-6, her name has been shown below the applicants only on the ground that she could not pass the type test as on the date of the preparation of the seniority list, the exemption was not granted which was granted to her later on.

3. Smt. Vimla Rani and one other person were appointed as Junior Accountants on 24.1.87 and 6.2.87 respectively. On 24.1.87, all the applicants were eligible for the post of Junior Accountant as the minimum requirement was three years' experience as LDC. The applicants filed this O.A. and submitted that they were senior persons and the allotment of quota to Smt. Vimla Rani for the year 1988 is bad. Earlier, the rules were that there should be an experience of 3 years. However, they were revised later on that the experience of 5 years as LDC is necessary. Applicants have also been promoted as Junior Accountants after the completion of 5 years. There is a dispute that the allotment of the quota of 1988 to Smt. Vimla Rani is against the law. It will not

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be out of place to mention here that the appointment of Smt. Vimla Rani has been regularised as Junior Accountant with other persons who were appointed on adhoc basis. She and one other person were eligible on 1.4.87 and the applicants were not eligible, as such, she was appointed on adhoc basis. The prayer of the applicants that they should be declared as senior is also not maintainable as no adverse order can be passed on Smt. Vimla Rani unless she is impleaded as a party.

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

5. We do not find force in the O.A. and the same is rejected, with no order as to costs.



(P.P. SRIVASTAVA)
Administrative Member



(D.L. MEHTA)
Vice-Chairman