

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Jain ~~JODHPUR~~ BENCH: ~~JODHPUR~~ *Jain*

1. OA No. 221/93

Date of order : 15.12.93

Mahesh Singh & Ors ...

Applicant.

versus

Union of India & Ors..

Respondents.

2. OA No. 511/93

Babuddin & Others ...

Applicants.

versus

Union of India & Ors..

Respondents.

Mr. J.K. Kaushik, Counsel for the applicants.

Mr. Manish Bhandari, Counsel for the respondents.

CORAM:

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

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

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PER HON'BLE MR. JUSTICE D.L. MEHTA:

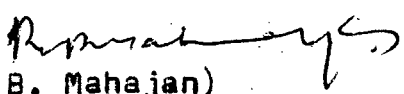
Heard the learned counsel for the parties.
Admittedly the post of Khalasi is to be filled by 100% promotion as mentioned in enclosure to Annexure A/1 dated 23.4.91. This fact has not been denied by the respondents.

2. The respondents' contention is that vide Circular dated 14.9.89 Annexure R/1, ITI qualification has been prescribed for the recruitment on the post of Khalasi in track machine organisation. We have perused this circular and under this circular, the qualification can only be applied to the vacancies which were in

existence on 14.9.89 as a one time exception. This circular cannot be enforced for vacancies arising after 1989. Mr. Bhandari submitted that the circular has been applied in Kota Division for the first time in 1993. The second contention of the respondents is that the applicants are not eligible for promotion as they belong to Kota Division and not to T.T. Organisation.

3. We have heard Mr. Bhandari in detail and we agree with Mr. Bhandari to this extent that the circular dated 14.9.89 applied only in relation to the vacancies which were in existence in the year 1989. But we cannot say that this circular should be applied in 1993 to the vacancies which occurred after September, 1989.

4. This circular was only as one time exception and the qualification prescribed therein cannot be applied to vacancies occurring in the subsequent period. No direct recruitment shall, therefore, be made by the respondents in violation of the provisions as provided in the rules. As far as the applicants' case is concerned, we will not like to make any observation whether the applicants are eligible or not and whether there are other persons who are eligible or not. All these points should be considered by the respondents without applying the qualifications prescribed in Annexure R/1 to the vacancies which occurred after 1989. Both the OAs are disposed of accordingly. No order as to costs.


(B.B. Mahajan)
Adm. Member


(D.L. Mehta)
Vice Chairman