

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.138/94  
M.A.No.395/94

Dt. of order: 16.8.1994

J.K.Soni & Ors.

: Applicants

Vs.

Union of India & Ors.

: Respondents

Mr.R.N.Mathur

: Counsel for applicants

Mr.K.L.Thawani

: Counsel for respondent No.1

Mr.U.D.Sharma

: Counsel for respondent No.2

Mr.K.P.Mishra

: Counsel for respondent No.3

CORAM:

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

Hon'ble Mr.O.P.Sharma, Member(Adm.).

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

Heard the learned counsel for the parties. The learned counsel for the applicants has invited our attention to the Seniority Rules of 1954 and submitted that the persons who have been recruited under Rule 9 of the Recruitment Rules of 1954 are eligible for the benefit of the services rendered. He further submits that his clients are holding the cadre of I.P.S. Officer under Rule 9 of the Rules and that for the last 4 years the meeting of the Selection Committee has not been held. The learned counsel for respondent No.2 submits that the UPSC has not received any requisition from the State Government. Mr.K.P.Mishra, counsel for respondent No.3 submits that on account of the pendency of a litigation in the High Court the meeting of the Selection Committee could not be held and they have not made any reference to the UPSC. We have enquired from Mr.Mishra, whether there is a stay order or not. He submits that ~~xxxx~~ no stay order has been granted by the High Court. It is a lapse on the part of the State Government and in fact they have violated the mandatory provisions of law. Mr.Mishra submits that the seniority list has been finalised.

2. We direct the State Government to refer the case of the applicants to the UPSC and the Central Government should call a meeting of the Select Committee under Regulation 5.

3. As far as the other question raised by the learned counsel for the applicants is about the clubbing of the vacancy. He has cited before us the case of Syed Khalid Rizvi Vs. Union of India reported in 1993 SCC 575. He has also cited before us the judgments of the Hyderabad Bench of the Tribunal as well as the Allahabad Bench of the Tribunal. He has also referred the judgments of the Hon'ble Supreme Court in the matter of ~~xx~~ clubbing of the vacancy. It is for the respondents to decide according to law. However, the respondents are directed that they should inform the applicants prior to the meeting of the Selection Committee whether they are clubbing the vacancies for the purpose of selection or not and they should proceed according to law. At this stage we would not like to pass any order whether the vacancy should be clubbed or not. However we expect that whatever action taken by the respondents will be according to law.

4. The O.A. is disposed of accordingly with no order as to costs. The M.A. No. 395/94 is also disposed of.

(O.P.Sharma)  
Member(A).

  
(D.L. Mehta)  
Vice Chairman.