

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

WEDNESDAY THE EIGHTEENTH DAY OF FEBRUARY
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR.B.N.JAYA SIMHA: VICE-CHAIRMAN
AND
THE HONIBLE MR.D.SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO.145/87.

Between:-

D.B.Vinod Kumar.

....Applicant.

And

1. The Executive Officer,
Contonment Board (Ministry of Defence),
Secunderabad, A.P.
2. The Director of Employment and Training,
Church Building, 6th Floor, Ramkoti, Hyderabad.

..... Respondents.

Application under Section 19 of the Administrative Tribunals's Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to direct the respondent herein to issue call letter to the applicant and allow him to appear for the test, interview and selection on the date to be fixed by the respondent for the vacancies of L.D.Clerks posts along with the candidates sponsored by the employment exchange ~~with~~ without insisting that the applicant's name should be sponsored by the employment exchange pending final decision in O.A.No.145/87 presented to the Tribunal to issue directions to the respondent herein to consider the case of the applicant and allow him to appear for the test, interview, and selection on the date to be fixed by the respondent for the vacancies of the L.D.Clerks as per his notification to the Employment Exchange alongwith the candidates sponsored by the employment exchange without insisting that the applicant's name should be sponsored by the employment exchange.

The Application coming on for orders, upon perusing the application and upon hearing the arguments of ~~the~~ Mr.

Counsel for Applicant :

Mr. A. Krishna Murthy

Counsel for Respondent(s)

Mr. , CGSC

and Mr. M. P. Chandramouli,
S.C. for Govt. of A.P.

Dt. 18-2-1987

This is an application filed for issue of directions ¹⁶ to appointing Authority, viz., The Executive Officer, Cantonment Board, Secunderabad to consider the case of the applicant for ^a the vacancy in the said Department without medium of the Employment Exchange, that is, the applicant claims ^a that he is entitled to be considered for the vacancy irrespective of whether he is sponsored by the Employment Exchange or not. He ^{State} claims that on the strength of the application made directly to the Cantonment Board, he is entitled to be considered for Employment.

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2. We have heard the Learned Counsel for the Applicant, the S.C. for Central Government and also the Special Counsel for the Govt. of A.P. representing the Director of Employment and Training, Andhra Pradesh, Hyderabad.

3. The Learned Counsel for the Govt. of A.P. has brought to our notice that on an appeal preferred by the Government of A.P. in Civil Appeal No.9-15/86, the Supreme Court of India passed the following Order :

"Pending disposal of the stay application and notwithstanding any orders made by the High Court in other cases, recruitment will be effected in accordance with G.O.Ms.no.535 dt. June 26, 1975 and G.O. Rt.No.1406 dt. Nov.6, 1975 issued by the State Government."

contd..2

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Similar cases have also come up before the High Court of Andhra Pradesh and the High Court was of the view that it cannot stop the recruitment and also stated that any selections or appointments made to the posts concerned in the W.Ps. before the High Court of Andhra Pradesh shall be subject to the result of the order finally passed in the W.Ps. concerned. No interim orders were issued to consider the applicants before the High Court for appointment to the posts as sought for by them.

4. The various instructions issued by the Govt. of India are similar to the instructions contained in G.O.Ms.No.535 dt.June 28, 1975 and G.O.Rt.No.1406 dt. November,6, 1975 issued by the Govt. of A.P., which is the subject matter of litigation before the Supreme Court of India. The latest of such instructions which has been produced before us is Memo.no.14/22/65-Estt.(B) from the Ministry of Home Affairs, Govt.of India, dated 12-6-1968.

7. In the circumstances and in view of the interim orders of the Supreme Court, it is directed that the selections made by the respective Departments(viz., Cantonment Board in the present case) shall be subject to the result of the final orders that may be passed in this application. We do not, however, consider appropriate to give interim directions to consider the names of these candidates at the present stage.

Post the main case on 16th March, 1987.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman.

D. Surya Rao
(D. SURYA RAO)
Member.