

O.A. 186 of 1987.

Counsel for Applicant : Mr. P.Narasimha Rao

Counsel for Respondents: Mr. ~~K.Jagannatha R~~, CGSC &
Mr. M.P.Chandramouli, Special Counsel
for Govt. of A.P.

ORDERS OF THE TRIBUNAL dt.4-9-1987.

This is an application filed for issue of directions to the appointing authority, viz. Chief Engineer, Projects, Bolangir division, 104-Area, Visakhapatnam to consider the case of the applicant for the vacancy ^{in the Post of L.D.C. under the 1st Respondent} without the medium of Employment Exchange, that is, the applicant claims that he is entitled to be considered for the vacancy irrespective of whether he is sponsored by the Employment Exchange or not. He claims that on the strength of the application made directly to the appointing authority (first respondent), he is entitled to be considered for employment.

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2. We have heard the Learned Counsel for the Applicant, S.C. for Central Government and also the Special Counsel for the Government of Andhra Pradesh representing the Director of Employment and Training, Andhra Pradesh, Hyderabad on behalf of District Employment Officer, Employment Exchange, Visakhapatnam.

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 28, 1975 and G.O. Rt.No.1406 dt.Nov.6, 1975 issued by the State Govt."

contd..2

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. Nov. 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.

5. In the circumstances and in view of the interim orders of the Supreme Court, it is directed that the selections made by the first respondent shall be subject to the result of the final orders that may be passed in this application. We do not, however, consider it appropriate to give interim directions to consider the names of the applicant at the present stage.

B.N.Jayasimha

(B.N.JAYASIMHA)
Vice-Chairman.

D.Surya Rao

(D.SURYA RAO)
Member.