

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

TUESDAY THE TWENTY FOURTH DAY OF MARCH
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN.



: PRESENT :

THE HONOURABLE MR.B.N.JAYASIMHA: VICE CHAIRMAN.

AND

THE HONOURABLE MR.D.SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 234 of 1987

Between:-

Mohd.Habeeb.

...Applicant.

and

1. The Deputy Collector (P&B) Central Excise,
Hyderabad-500 001.
2. The Dist. Employment Officer, Musheerabad (clerical)
Hyderabad.
3. The Director of Employment and Training A.P.Hyderabad
Posnett Bhavan, Ramkote, Hyderabad.

...Respondents.

Application under section 19 of the Administrative
Tribunals Act, 1985, praying that in the circumstances stated
therein the Tribunal will be pleased to issue call letter to
the petitioner and allow him to appear without call letter
for selection on the date 27-3-87 or thereafter for the post
of sepy as his notification No.C&CE/Dept/II/31/23/86 Estt.
dated 18-11-86 pending the final decision in O.A.No.234/87
presented to the Tribunal to issue direction to the respondent
No.1 herein to consider the case of the petitioner for the
post of sepy as per the notification No.C&CE/Dept/II/31/23/86/
Estt dt. 18-11-86 along with the candidates sponsored by the
respondent No.2 .

The Application coming on for orders, upon perusing the
application and upon hearing the arguments of Mr.Shaik Shah Ali
Advocate for the applicants and of Mr.K.JagannaRao, C.G.S.C.
on behalf of the respondent No.1 and Mr.M.P.Chandramouli
Spl. Counsel for Govt. of A.P.for respondents Nos. 2 & 3.

THE TRIBUNAL MADE THE FOLLOWING ORDER.

ORDERS OF THE TRIBUNAL DATED 24th MARCH, 1987



ADMIT:

This is an application filed for issue of directions to the appointing authority, viz. Deputy Collector, Central Excise, (P&B), Hyderabad, to consider the case of the applicant for the vacancy in the said Department without medium of the 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 first respondent with reference to the notification dt. 18-11-86 he is entitled to be considered for employment.

2. We have heard the learned counsel for the Applicant, the 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.

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

Similar cases have also come up before the High court of A.P. 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 Government of India are similar to the instructions contained in G.O.Ms.No. 535 dated June 27, 1975 and G.O.Rt.No.1406 dated Nov.6, 1975 issued by the Government 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.14/12/65-Estt.(B) from the Ministry of Home Affairs, Government 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 the names of the applicant at the present stage.

Post the main case along with other Employment Exchange batch cases.

Sd/-

G.VENKATA RAO,
Deputy Registrar.

// True Copy //


For Deputy Registrar.

To:

1. The Dy. Collector (P&B) Control Excise, Hyd-500 001.
2. The Dist. Employment Exchange officer, Musheerabad (clerk's cal) Hyderabad
3. The Director of Employment & Training, A.P. Hyderabad
4. One copy to Mr. Shaik Shah Ali Advocate, 3-2-763, Kachiguda, Hyderabad.
5. One copy to Mr. K. Jagannadha Rao C.G.S.C.
6. One copy to Mr. M.P. Chandramouli, Spl. Counsel for Govt. of A.P.
7. one spare copy.

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