

ORIGINAL APPLICATION NO. 281 of 1989

.....

(Judgment of the Bench delivered by Sri D. Surya Rao,  
Member (Judicial)).

\*\*\*

1. The applicant herein has filed this application  
Ist  
for a direction to the/respondent to consider his  
case for appointment to the post of Helper/Labourer  
as per Notification No. 2(4)89/A/2518 dated 1-3-1989  
issued to the Employment Exchange notifying two  
vacancies of Helper/Labourer in the respondents'  
Organisation at Adilabad. The applicant states that  
he has registered his name with the employment  
exchange, Adilabad in the year 1987, under Registration  
No. <sup>2374</sup>2347/87. The respondents have not advertised  
the vacancies but is seeking to make recruitment  
only through the Employment Exchange. It is contended  
that recruitment only through Employment Exchange  
is contrary to the Industrial Employment (Standing  
Orders Act) 1946 and Industrial Dispute Act, 1947.  
according to  
It is stated that/the former act, the Tripartied Committee  
should select Helpers/Labourers and appoint them  
initially on casual basis and not through Employment  
Exchange. In the circumstances, the applicant seeks  
a direction ~~sought for~~.

contd...2

12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
TUES DAY THE ELEVENTH DAY OF APRIL  
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE-CHAIRMAN

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

THE HON'BLE MR. D.K. CHAKRABORTY : MEMBER (Admin.)

ORIGINAL APPLICATION NO. 281 OF 1989

BETWEEN:-

Chandra Sekhar

..Applicants

A N D

1) The Station Engineer,

T.V. Maintenance Centre,

Rosahmundry, East Godavari District

2) The Assistant Engineer,

Low Power T.V. Maintenance Centre,

Adilabad, Adilabad District.

3) The District Employment Officer,

Adilabad, Adilabad District.

Unionfindia, represented by its

4) Director,

Doordarshan Kendra, Hyderabad.

.. Respondents.

WTP  
S

14  
...2...

2. The matter has come up for admission. We have heard the learned counsel for the applicant and *learned counsels*, Shri Bhaskar Rao on behalf of Respondents 1,2 and 4 and Shri Chandra Mouli, on behalf of Respondent no.3. In Arguments, Shri Shaik Shah Ali, learned counsel for the applicant has once again contended that the post relating to a Class IV is outside the purview of the Employment Exchange and there is no necessity for making/limiting the recruitment through the Employment Exchange. This matter has been previously considered by us in O.A.No. 13/1987 and batch and we have held at Paras 11 and 13 as follows:

"11. The Learned Counsel for applicants who are seeking class IV posts however argued that according to section 3(d) of the Act, the Act does not apply to vacancies in any employment to do unskilled office work. Section 2(1) of the Act defines unskilled office work means work done in an establishment by any of the following categories of employees, namely:--

- (1) daftari,
- (2) jamadar, orderly and peon;
- (3) dusting man of farash;
- (4) bundle or record lifter;
- (5) process server;
- (6) watchman;
- (7) sweeper;
- (8) any other employees doing any routine or unskilled work which the Central Government may, by notification in the Official Gazette, declare to be unskilled office work".

xx xx xx xx xx

contd...3

15  
...3..

12. xx xx xx xx xx xx

13. Even, if the contention that it violates the provisions of Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 is accepted, the question then arises, what should be the procedure for filling the posts not covered by the Act? It cannot obviously be on the basis of applications submitted to the concerned Government establishment by individual applicant on the information gathered by them informally. It would then be necessary to prescribe a procedure under which adequate publicity is given in regard to vacancies, and for inviting applications. Answer to this is to be found in the judgment of the Supreme Court extracted above. Even for these posts, in the absence of a better method, the medium of employment exchange is to be preferred."

3. We will now take up the further contention of the applicant viz., that the employment should not be made through the Employment Exchange and the provisions of Industrial Employment (Standing Orders Act) 1946 and Industrial Dispute Act, 1947 are bar to such recruitment through the Employment Exchange. The learned counsel for the applicant has not been able to show any provision in these enactments which bar the Government from making recruitment exclusively through the Employment

D

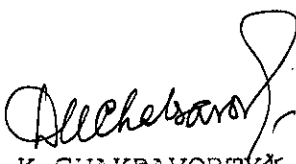
contd...4


540  
28/

16

..4..

Exchange. There is no substance in the contention of the applicant's counsel. In the circumstances, the application fails and it is accordingly dismissed. The parties shall bear their own costs.

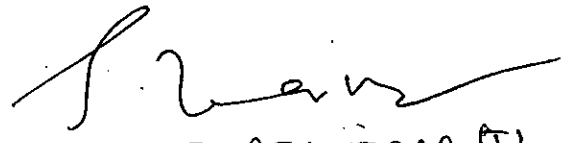
  
(D.K. CHAKRAVORTY)  
MEMBER (ADMN.)

  
(D. SURYA RAO)  
MEMBER (JUDL.)

th  
DATED 11 April, 1989.

SOH\*

.....

  
DEPUTY REGISTRAR (J).  
17/4/89.

(6)

802  
14/4/89

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

HON'BLE MR. B. N. JAYI SIAMHA : (V.C.)

AND

HON'BLE MR. D. SURYA RAO : (M) (JUDL.)

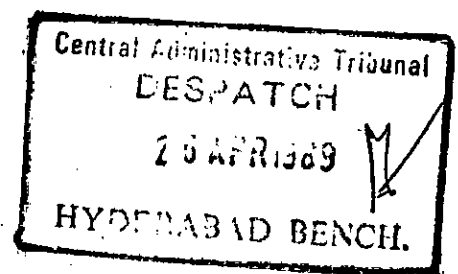
HON'BLE MR. D. K. CHAKRAVORTY : (M) (ADMN.)

DATED : 11. 4. 89

ORDER/JUDGMENT

~~W.P.~~ / O.A. 281/89

Dismissed, no costs.



14/4/89

14  
...2...

2. The matter has come up for admission. We have heard the learned counsel for the applicant and *learned counsels*, Shri Bhaskar Rao on behalf of Respondents 1,2 and 4 and Shri Chandra Mouli, on behalf of Respondent no.3. In Arguments, Shri Shaik Shah Ali, learned counsel for the applicant has once again contended that the post relating to a Class IV is outside the purview of the Employment Exchange and there is no necessity for making/limiting the recruitment through the Employment Exchange. This matter has been previously considered by us in O.A.No. 13/1987 and batch and we have held at Paras 11 and 13 as follows:

"11. The Learned Counsel for applicants who are seeking class IV posts however argued that according to section 3(d) of the Act, the Act does not apply to vacancies in any employment to do unskilled office work. Section 2(1) of the Act defines unskilled office work means work done in an establishment by any of the following categories of employees, namely:--

- (1) daftari,
- (2) jamadar, orderly and peon;
- (3) dusting man of farash;
- (4) bundle or record lifter;
- (5) process server;
- (6) watchman;
- (7) sweeper;
- (8) any other employees doing any routine or unskilled work which the Central Government may, by notification in the Official Gazette, declare to be unskilled office work".

xx xx xx xx xx

contd...3

15  
...3..

12. xx xx xx xx xx xx

13. Even, if the contention that it violates the provisions of Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 is accepted, the question then arises, what should be the procedure for filling the posts not covered by the Act? It cannot obviously be on the basis of applications submitted to the concerned Government establishment by individual applicant on the information gathered by them informally. It would then be necessary to prescribe a procedure under which adequate publicity is given in regard to vacancies, and for inviting applications. Answer to this is to be found in the judgment of the Supreme Court extracted above. Even for these posts, in the absence of a better method, the medium of employment exchange is to be preferred."

3. We will now take up the further contention of the applicant viz., that the employment should not be made through the Employment Exchange and the provisions of Industrial Employment (Standing Orders Act) 1946 and Industrial Dispute Act, 1947 are bar to such recruitment through the Employment Exchange. The learned counsel for the applicant has not been able to show any provision in these enactments which bar the Government from making recruitment exclusively through the Employment

D

contd...4

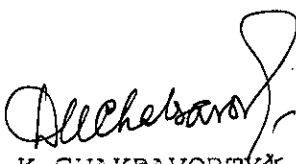
540  
28/




16

..4..

Exchange. There is no substance in the contention of the applicant's counsel. In the circumstances, the application fails and it is accordingly dismissed. The parties shall bear their own costs.

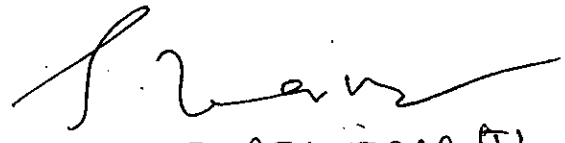
  
(D.K. CHAKRAVORTY)  
MEMBER (ADMN.)

  
(D. SURYA RAO)  
MEMBER (JUDL.)

th  
DATED 11 April, 1989.

SOH\*

.....

  
DEPUTY REGISTRAR (J).  
17/4/89.

(6)

802  
14/4/89

Stenul 25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

HON'BLE MR. B. N. JAYI SIAMHA : (V.C.)

AND

HON'BLE MR. D. SURYA RAO : (M) (JUDL.)

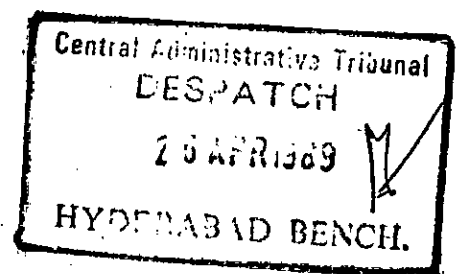
HON'BLE MR. D. K. CHAKRAVORTY : (M) (ADMN.)

DATED : 11. 4. 89 ✓

ORDER/JUDGMENT ✓

~~W.P.~~ / O.A. 281/89 ✓  
(W.P.)

Dismissed, no costs.



802  
14/4/89