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SPECIAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:AT HYDERABAD.

395/89

DATE OF DECISION: 26.3.1990

C.A. No.

Somavarapu Sunetha Lakshmi, Guntur Petitioner.

Shri M. Ramaiah, Advocate Advocate for the
petitioner(s)

Versus

Chief General Manager, Telecom., Hyd., Respondent.

Sri P. Ramakrishnam Raju Advocate for the
Respondent(s)

CORAM:

THE HON'BLE MR. B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE MR. D. SURYA RAO, MEMBER (JUDICIAL)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunals ?
5. Remarks of Vice Chairman on columns
1, 2, 4 (To be submitted to Hon'ble
Vice Chairman where he is not on the
Bench)

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(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT : HYDERABAD

O.A.No.395/89

Date of Order: 26.3.1990

Between:

Somavarapu Suneetha Lakshmi,
Guntur Town,
Guntur Dist.

.. Applicant

Versus

Chief General Manager,
Telecom., A.P. Circle,
Abids, Hyderabad - 500 001.

Appearance:

For the Applicant : Shri M. Ramaiah, Advocate

For the Respondent : Shri E. Madan Mohan Rao, Addl.
Standing Counsel. ~~XXX~~

CORAM:

HON'BLE SHRI B.N.JAYASIMHA, VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO, MEMBER (JUDICIAL)

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The applicant herein is unemployed. She had applied for the post of Junior Engineer in Telecom. Department, in pursuance to an advertisement issued by the respondent in the Employment News weekly dt.11.8.1984 calling for applications for 224 posts of Junior Engineers in Telecom. Dept., A.P. The applicant states that she was selected and placed at S No. 134 according to the list published and sent to the concerned officers. Nearly 50-60 candidates were appointed from the published list. When she enquired, as to why she did not get the appointment order, she was informed that there was a ban on making appointments and as soon as the ban is lifted appointments will be made. Subsequently, by an advertisement ^{ISLAM} made on

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29.4.89 published in the newspapers the applicant came to know that the respondent had advertised for 192 posts of Jr. Telecom. Officers in Telecom. Department, A.P. The posts of Jr. Engineers and Jr. Telecom. Officers are one and the same. The applicant contends that once she has been selected and placed in the selection list and is awaiting for appointment, the respondent cannot resort to fresh recruitment without exhausting the panel which had already been prepared. As she was selected and placed in the selection list in accordance with the rules and regulations, she has acquired a right to be considered for the appointment. The action of the respondent in calling for fresh applications is illegal, arbitrary and discriminatory.

2. The respondents in their counter admit that the applicant was selected and placed at S.No.134 in the select list. Due to the imposition of ban on fresh appointments the vacancies got reduced from 162 to 90 including the SC/ST/Ex-Servicemen quota. The select list was therefore revised and the candidates upto S.No.56 were appointed. The last candidate in the list secured 82% marks. The applicant has secured only 80.33%. The advertisement dt. 29.4.89 is in respect of the posts for the year 1989. All the 90 candidates selected in the previous recruitment i.e., 1984 were duly appointed. There is therefore nothing illegal in calling for fresh applications to fill the vacancies that have since arisen.

We have heard Sri Krishna Moorthy, learned counsel for the applicant and Sri Madan Mohan Rao, Standing Counsel for the department.

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2nd page

Sri Krishna Moorthy states that it is evident that appointment orders to all the persons in the select list were not issued because of the ban. The applicant has a right to be considered for appointment after the ban is lifted in the vacancies that could be filled following the lifting of the ban. It is not open to the respondent to resort to a fresh advertisement ignoring the claim of the applicant who was waiting for appointment. He relies on Ishwar Singh Khatri and others Vs. Union of India and others (1987) 4 ATC 932).

We have considered these submissions. It is clear that 224 posts were notified in 1984 and a panel was accordingly prepared. The applicant was placed at S.No. 134. It is because of the ban on the recruitment that further recruitment was stopped and the applicant could not secure any appointment.

In Khatri's case, it was held that right to appointment after inclusion of the names in the panel of selected candidates flows out of instructions issued by the Ministry of Home Affairs, Department of Personnel and Administrative Reforms in their O.M. No.22011/2/79 -Estt.(D) dated 8.2.1982. It was also held that the panel continues to subsist and would be valid. We are of the view that in the facts of the case the decision in Khatri's case is also applicable to this case. By way of Interim directions, we had directed the respondents to reserve one post to the applicant pending disposal of the application.

b/s

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We direct the respondents to issue an offer of appointment to the applicant in the post reserved for her.

The application is allowed but in the circumstances, there will be no order as to costs.

(Dictated in the Open Court)

B.N. Jayasimha
(B.N. JAYASIMHA) :
HON'BLE VICE CHAIRMAN


(D. SURYA RAO)
HON'BLE MEMBER (JUDICIAL)

Date: 26.3.1990

DEPUTY REGISTRAR (A)

Mys

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1. The Chief General Manager, Telecom., A.P. Circle, Abids, Hyderabad-500 001.
2. One copy to Mr.M.Ramaiah, Advocate, 1-10-123/1, Ashoknagar, Hyderabad-20.
3. One copy to Mr.E.Madan Mohan Rao, Addl CGSC, CAT., Hyderabad.
4. One spare copy.

kj.

*SP
6/4/90*

Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD, BENCH.

HON'BLE MR. B. N. DAYASIMHA: (V.C.) ✓
A N D

HON'BLE MR. D. SURYA RAO: MEMBER (SUD.) ✓
A N D

HON'BLE MR. J. NARASIMHA MURTHY: (M) (J)
A N D

HON'BLE MR. R. BALASUBRAHMANYAN: (M) (A)

DATED: 26.3.90

ORDER/JUDGMENT: ✓

M. T. / R. A. / C. A. / No. in

T. A. No.

C. P. No.

Out. No. 395 (88)

Admitted and Interim Directions
issued.

Allowed.

Dismissed.

Dismissed of with direction.

M.A. ordered.

No order as to costs. ✓

Sent to Xerox on:

*SP
6/4/90*

