

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

THURSDAY THE FIFTEENTH DAY OF JUNE
ONE, THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HONOURABLE MR. B. N. JAYA SIMHA : VICE-CHAIRMAN

AND

THE HONOURABLE MR. D. SURYA RAO : MEMBER (JUDL)

AND

THE HONOURABLE MR. D. K. CHAKRAVORTY : MEMBER (ADMN)

AND

THE HONOURABLE MR. J. N. RASIMHA MURTHY : MEMBER (JUDL)

ORIGINAL APPLICATION. 420 OF 1989

BETWEEN:-

M. Uppalapati

...Applicants

AND

1) The Telecom Distt. Engineer,
Nalgonda

2) The Director General, Telecom

(representing Union of India)
New Delhi - 110 001

Respondents

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...Respondents

(JUDGMENT OF THE TRIBUNAL DELIVERED BY HON'BLE MEMBER(J)
SHRI D.SURYA RAO)

The Applicant herein claims that he has a right to be deputed for training as Lineman alongwith and before his juniors and for appointment as Lineman pursuant to the Select List Memo.No.R&E.19/III/85-86/87 dated 13-8-85 issued by the first Respondent. He claims this right on the basis of the judgment of this Tribunal made in Review Applications 8 and 10 of 1988 in O.A.No.705/87. The case of the applicant is that 42 candidates were included in the Select List and that the Department has sent 17 candidates for training. Subsequently, as a result of this Tribunal's judgment in Review Applications 8 and 10 of 1988 and the Department's order dated 20-4-1989, 19 more persons were sent for training. It is his case that he must also be sent for training.

2 Heard Shri C.Suryanarayana, Advocate for the Applicant and Shri E.Madan Mohan Rao, Addl:CGSC. Shri Madan Mohan Rao has raised various objections as to the maintainability of the Application. His main contention, however, was that the Applicant was a party to O.A.No.705/87 wherein he had claimed the same relief and that the said application has been dismissed and has become final. He contends that in so far as the applicant is concerned, the order in O.A. 705/87 dated 25-11-87 has not been reviewed, that it is a judgment inter-partes and

TO.

- 1) The Telecom Distt. Engineer,
Nalgonda.
- 2) The Director General, Telecom,
New Delhi - 110001.
- 3) One copy to Mr. C. Suryanarayana, Adwealt,
1-2-593/50, Srinidhiyan, Soni Srinidhi,
Gagan Mahal, Hyderabad - 500026.
- 4) One copy to Mr. E. Madan Mohan Rao, Addl. Cuse,
CAT, Hyderabad.
- 5) One copy to Hon'ble Mr. D. K. Chakravorty, member(A),
CAT, Hyderabad.
- 6) One spare copy.

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binding upon the applicant and as such the present application is not maintainable. We agree with this contention. Accordingly, the present Application is not maintainable. However, we find that the Department had by a letter No.E.19/VI/106 dated 13-3-1989 informed the Applicant that in terms of the orders of the Tribunal (obviously in the Review Applications), action is being taken to absorb the applicant according to the merit in the Select List, to the extent posts are available and as and when posts fall vacant in future. Taking into consideration the fact that all others similarly situated are being sent for training and since the Department by the letter dated 13-3-89 has said that the Applicant would also be considered, this order passed by us will not preclude the Department from considering the case of the applicant also on sympathetic ground. With these observations, the Application is dismissed.

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

D. K. Chakravorty
(D.K. CHAKRAVORTY)
Member (A)

Furnish by
Monday

(Rao)
9 AM
6/6/89
5.05PM

Dated 15th June, 1989
Dictated in open court

S. Venkateswaran
DEPUTY REGISTRAR (J)
21/6/89

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P.T.O.