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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.609 of 1989

DATE OF JUDGMENT: 7/5 August, 1992

BETWEEN:

Mr. Bandlamudi Muralikrishna .. Applicant

AND

1. The Collector,
Central Excise,
Guntur.
2. The District Employment Officer,
Guntur. .. Respondents

COUNSEL FOR THE APPLICANT: Mr. K.Nageswara Reddy

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC
Mr. D.Panduranga Reddy,
Spl.Counsel for State of AP.

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri C.J.Roy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDICIAL)

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 for a relief to direct the 1st respondent herein to consider the case of the applicant for interview and appointment for the post of Sepoy along with the other candidates sponsored by the Employment Exchange and pass such other appropriate orders as the Tribunal may deem fit and proper in the circumstances of the case.

2. The applicant passed 9th class and SSC failed. He registered his name in the Guntur District Employment Exchange in the year 1983 with Registration No.8245/83. The applicant states that he will be overaged within 1½ years for Central Government jobs. The 1st respondent notified the vacancies of Sepoy posts to the 2nd respondent to sponsor the candidates to fill up the posts of Sepoy. The 2nd respondent sent the sponsored list to the 1st respondent in which the name of the applicant was not figured. The applicant therefore approached the 1st respondent to consider his case for interview for the said post but he was not considered for interview. He also requested the 2nd respondent to sponsor ~~the~~ his name but he did not do so saying that the applicant was not having seniority. The applicant states that he is fully qualified to hold the post of Sepoy and that the action of the 2nd respondent in not sponsoring ~~his~~ name to the 1st respondent is illegal. Hence, he filed the present application for ~~the~~ above said relief.

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3. The first respondent filed a counter stating that the name of the applicant being not sponsored by the Employment Exchange, his case was not considered. His first application was received in the office along-with the interim direction of the Hon'ble High Court of Andhra Pradesh dated 30.10.1989 in WMPM No.20163/89 in WP No.15275/89. On a reference made ~~by~~ to the 2nd respondent, the 2nd respondent has categorically asserted that the candidates were sponsored according to strict priority and seniority. The respondent states that according to the observations of the Hon'ble Supreme Court, recruitment through Employment Exchange is the fair ~~method~~ method of recruitment. He states that the applicant got the relief prayed for in the Hon'ble High Court of Andhra Pradesh while the matter is still pending in this Tribunal and he made a false declaration that the matter was ~~not~~ not moved in any other court by suit, writ petition or other proceeding. Hence, it is stated that the application is devoid of merits and is liable to be dismissed.

4. This case was listed for final hearing on 29.6.92. None were present for the applicant on that day. Hence, the case was ordered to be listed for dismissal on 31.7.92. However, the O.A. was listed for dismissal on 3.8.1992.

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When the case was called on 3.8.1992 none were present again for the applicant. We have heard the learned counsel for the 1st respondent Mr. V.Rajeswara Rao for Mr. N.V.Ramana and the learned Special Counsel for the State of Andhra Pradesh (2nd respondent), Mr. D.Panduranga Reddy. During the course of the arguments, Mr. Rajeswara Rao for the 1st respondent stated that this case is squarely covered by the Judgments in O.A.Nos.10/91, 1082/91 and 132/92 based on a Judgment of the Hon'ble Supreme Court of India reported in AIR 1987 SC 1227.

5. We have perused the Judgments referred to above by Shri Rajeswara Rao, learned counsel for the 1st respondent. In O.A.No.1082/91, dated 9.12.1991, the Division Bench of this Tribunal, relying on the decision of the Hon'ble Supreme Court in the case of "Union of India Vs. N.Haragopal and others (AIR 1987 SC 1227)", held as follows:-

"In the course of admission hearing the learned counsel for the applicant Shri K.Sudhakar Reddy relied heavily on Section 3 of the Employment Exchanges Compulsory Notification of Vacancies Act, 1959 which read with the definitions in Section 2 does not require sponsorship by the Employment Exchange for certain categories of posts like the one the

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Copy to:-

1. The Collector, Central Excise, Guntur.
2. The District Employment Officer, Guntur.
3. One copy to Sri. K.Nageswara Reddy, advocate, 198, 2RT
Vijayanagar, colony, Hyd-bad,
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Sri. D.Panduranga Reddy, Sp1. counsel for
the State of A.P.
6. One spare copy.

Rsm/-

*6th feb 1981
Rsm/-*

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applicant in this application seeks. The learned counsels for the respondents Shri N.V.Ramana and Shri D.Panduranga Reddy drew our attention to the Judgment dated 15.3.1991 in O.A.No.10/91 of this Bench. In that Judgment, this Bench relying on the decision of the Hon'ble Supreme Court in the case of Union of India Vs. N.Haragopal & others (AIR 1987 SC 1227) held that even for these exempted posts, in the absence of a better method, the medium of Employment Exchange is to be preferred. Hence, Following the above decision, we are not in a position to consider the prayer in this application that the applicant be considered for appointment without insisting that his name should be sponsored by the Employment Exchange."

6. In view of the above decision, we see no merits in this application and the application is accordingly dismissed with no order as to costs.

R.Balasubramanian

(R.BALASUBRAMANIAN)

Member (Admn.)

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(C.J.ROY)
Member (Judl.)

Dated: 25 August, 1992.

S 14/8/92
Dy. Registrar (Judl.)

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vsn

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~~CONFIDENTIAL~~ (6) O-A-609183

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V₂S₁₈

~~AND~~

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
MEMBER (TEN.)

AND

THE HON'BLE MR. C.J. ROY : MEMBER (JUDL) ✓

Dated: 7/8/1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

27

O₂A₂NO₂

609 / 89

T.A. No.

(W. P. No.)

Admitted and interim directions issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

~~No order as to costs.~~

pvm.

