

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.728 of 1989

Date of Order: 19.10.89

D.Sreemannarayana

..Applicant

and

1. The Regional Provident Fund Commissioner, A.P.Barkatpura, Hyderabad ~~and another~~ Respondents
2. THE DISTRICT EMPLOYMENT OFFICER (LABOUR) CHIKKADPALLY, HYDERABAD.

For Applicant:

Mr.D.P.Kali, ADVOCATE.

For Respondent No.1:

~~Mr.C.Parameswar Rao for Mr.K.Jagannatha Rao~~  
~~Mr.P.Ramakrishna Raju~~  
~~S.C.S.C for Provident Fund~~

For Respondent no.2:

Mr.M.P.Chandra Mouli,  
Spl. counsel for State of AP

C O R A M:

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

HON'BLE SHRI J.N.MURTHY : MEMBER (JUDL)

(Judgment delivered by Shri H.N.Jayasimha, Honble Vice Chairman)

1. The applicant herein states that he has registered his name with the Employment Exchange, Chikkadpally, Hyderabad. The Regional Provident Fund Commissioner in his letter no. AP/Admn-II/Messenger/(R)/89/181, dated 11-3-1989, notified the vacancies of Messengers to the Employment Exchange seeking the exchange to furnish a list of candidates for being tested for filling those vacancies. He approached the respondent in response to the notification cited, but, the respondent informed him that he will consider only names sponsored by the Employment Exchange. He states that the

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To:

1. The Regional Provident Fund Commissioner, A.P., Barkatpura, Hyderabad.
2. The Dist. Employment Officer, (Labour) Chikkadpally, Hyderabad.
3. One copy to Mr. D.P. Kali, H.No. 2-2-1164/15/B, Tilaknagar, Hyderabad.
4. One copy to Mr. ~~S. Remakrishna Raju, S.P. IAS~~ <sup>K. Jagannatha Rao</sup> for R-1, CAT, Hyd.
5. One copy to Mr. M.P. Chandramouli, Spl. counsel for State of A.P., for R-2, CAT, Hyderabad.
6. One spare copy.

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post of Messenger is a Class IV post which comes within the purview of Section 3 of the Employment Exchange compulsory notification of Act, 1959 and it is, therefore, not obligatory to the employer to notify the vacancy to the Employment Exchange and the employer could directly entertain the application for appointment of class IV posts. Hence, he has filed this application seeking a direction to the respondent to consider the case of the applicant also along with the candidates sponsored by the Employment Exchange.

2. We have heard the learned counsel for the applicant and Standing Counsel for the Respondents.

3. In similar cases viz., O.A.NO. 13 of 1987 and batch, following the decision of the Supreme Court in Union of India and others Vs. Haragopal and others (AIR 1987 SC 1227), we have held that 'the procedure adopted by the departments of the Government of India in notifying the vacancies to the Employment Exchange and restricting consideration of persons sponsored by the Employment Exchange is not violative of Articles 14 and 16 of the Constitution of India'. No new points have been adduced in this case. In these circumstances, the application fails and it is accordingly dismissed. No costs.

*B.N.Jayashimha*  
(B.N.JAYASIMHA)

Vice Chairman

*J.N.Murthy*  
(J.N.MURTHY)  
Member (J)

Dt. 19<sup>th</sup> October, 1989

SQH\*

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*S. Venkateswaran*  
DEPUTY REGISTRAR (J)

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH.

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HON'BLE MR. B. N. JAYASIMHA: (V.C.)  
AND  
HON'BLE MR. D. SURYA RAO: MEMBER (JUDGE)  
AND  
HON'BLE MR. D. K. CHAKRAVORTY: MEMBER (A)  
AND  
HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J)

DATED: 19.10.88

ORDER/JUDGMENT

M.A./R.A./G.A./No. in  
T.A. No. (W.P. No. )

C.A.No. 728/88 ✓

Admitted and Interim directions  
issued.

Allowed.

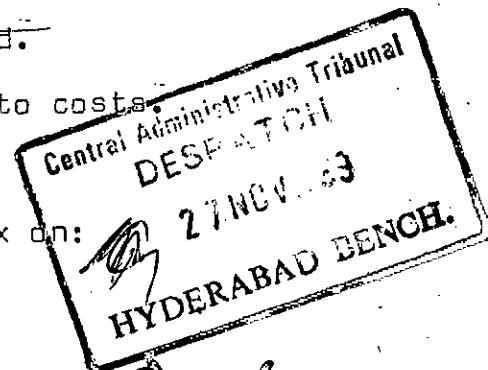
Dismissed. ✓

Disposed of with direction.

M.A. Ordered.

No order as to costs.

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