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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.ANo. 988 of 1989

Date of Order: 16/04/1990

Between:

1. D.S.V.Prasad  
2. Kalva Nageshwara Rao .....Applicants

.....

Government of India, represented  
by ~~the~~ Secretary to the Government,  
Ministry of Defence, Department of  
Defence Productions, New Delhi,  
and 2 others .....Respondents

.....

For Applicants: Mr.Y.Suryanarayana, Advocate

For Respondents: Mr.E.Madan Mohan Rao, SC for the  
Department

.....

C O R A M:

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

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

.....

(Judgment of the Bench delivered by Hon'ble Shri D.Surya Rao,  
Member (Judicial))

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1. The applicants state that they were sponsored by the Employment Exchange, Medak along with others for the posts of LDCS' in the 3rd respondent's organisation in the year 1985. It is stated that a panel of 72 eligible candidates was prepared and this fact was also notified to the District Employment Officer, Medak. This panel was in force till 1-2-1989 on which date the impugned letter No.09112/Admin/OPFM was issued, and 44 appointments were made to the <sup>fresh</sup> ~~same~~ category of LDCs from time to time. The applicants

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alleged that through the impugned proceedings the 3rd respondent cancelled the 1985 panel containing 28 names of persons yet to be given appointment. It is contended relying upon Government of India's OM No.22011/2/79-Estt(d) dated 8-2-1982 that the existing select list should be exhausted before preparing a fresh panel and that there is no time limit for validity of the select list. The applicants state that similarly situated ~~persons~~ people whose names were included in the panel prepared in the year 1985 approached this Tribunal in O.A.327/89 and this Tribunal allowed the said OA but the judgment in the said OA was made applicable ~~was~~ only to the applicants therein. The applicants, therefore, seek ~~that~~ quashing of the letter no.09112/Admin/OPFM dated 29-12-1988 and ~~the~~ consequential letter dated 6-2-1989 issued by the 3rd respondent to the effect that the panel of 1985 has been cancelled. They also seek a direction to operate the Panel prepared in 1985 and ~~that~~ <sup>respondents should</sup> only thereafter resort to a fresh selection.

2. On behalf of the respondents a counter has been filed. It is not denied that in 1985 a panel had been prepared and that the applicants' names have been included in the panel. It is further stated that as per the directions of the Tribunal, the 10 applicants in O.A.No.327/89 have been offered appointment and that as and when vacancies arise in future the applicants will also be considered for appointment. It is stated that the only reason given for not going ahead with the ~~earlier~~ panel <sup>of</sup> 1985 is that it was considered advisable for going <sup>in</sup> for a fresh list of candidates from the Employment Exchange keeping in

To:

1. The Secretary to the Government, Government of India, Ministry of Defence, Department of Defence productions, New Delhi-110 001
2. The Secretary, Ordnance Factory Board, 10/4, Auckland road, Calcutta-700 001.
3. The General Manager, Ordnance Factory & Project, Yeddu-mailaram, Medak dist., Andhra Pradesh-505 205.
4. One copy to Mr.Y.Suryanarayana, Advocate, 40 M.I.G.H., colony, Mehdipatnam, Hyderabad-28.
5. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyderabad.
6. One spare copy.

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CGSC/CAT

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view the performance of the candidates belonging to the earlier batch and the revised job requirements.

3. We have heard Shri Y. Suryanarayana, learned counsel for the applicant and Shri E. Madan Mohan Rao, Standing Counsel for the Department.

4. As already stated both in the application and in the counter similarly situated persons in the same panel of 1985 had filed an application bearing O.A.No.327/89 which was allowed with the following directions:

"For the reasons given above the application is allowed to the extent that the respondents are directed to operate the select list/ Panel prepared for appointment to the posts of L.D.Cs in so far as the applicants herein are concerned before preparing a fresh panel as proposed in the impugned letter no.09112/ Admin/OPPM dated 29-12-1988. The fresh panel may be prepared and operated only after giving appointment to the applicants herein. The parties are directed to bear their own costs."

The applicants herein being similarly situated, the similar reliefs have to be given. The respondents are accordingly directed to operate the select list/panel prepared for appointment to the posts of LDCs in so far as the applicants herein are concerned before preparing a fresh panel as proposed in the Impugned letter No.09112/Admin/OPPM, dated 29-12-1988 and 1-2-1989. The fresh panel may be prepared and operated only after giving appointment to the applicants herein. The application is allowed to the extent indicated above.

No costs.

(dictated in open court)

*B.N.Jayasimha*  
(B.N.JAYASIMHA)

VICE CHAIRMAN

*D.Surya Rao*  
(D.SURYA RAO)  
MEMBER (J)

DT.16th April, 1990.

SQH\*

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*Pr. Deputy Registrar (J)*  
S.O. 100

*30th Aug*  
CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:HYD.

HON'BLE MR.B.N.JAYASIMHA: V.C.

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

~~AND~~

HON'BLE MR.J.NARASIMHA MURTHY(M)(J)

~~AND~~

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

DATED: 16.4.90

ORDER/JUDGMENT:

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

T.A.No.

W.P.No.

O.A.No. 988/88

Admitted and Interim directions issued.

Allowed. No Costs.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs.

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