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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.ANO. 1000 of 1989

Date of Order: 16/04/1990

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Between:

Smt. B. Dhana Laxmi

.....Applicant

acn ds

Government of India, represented  
by its Secretary, Ministry of  
Defence, Department of Defence  
Productions, New Delhi, and  
2 others

.....Respondents

....

For Applicants: Mr. Y. Suryanarayana, Advocate

For Respondents: Mr. Naram Bhaskar Rao, SC for the Dept.

.. ..

C O R A M:

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

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

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(Judgment of the Bench delivered by Shri D. Surya Rao, HM(J))

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1. The applicant states that he was sponsored by the Employment Exchange, Medak, alongwith others for the post 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/OFPM was issued and 44 fresh appointments were sought to be made to to the category of LDCs from time to time. The applicant

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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 applicant states that similarly situated persons whose names were included in the panel prepared in the year 1985 approached this Tribunal in O.A.No.327 of 1989 and this Tribunal allowed the said OA but the judgment in the said OA was made applicable only to the applicants therein. The applicant, therefore, seeks quashing of the letter no.09112/Admin/OFPM dated 29-12-1988 and the consequential letter dated 1-2-1989 issued by the 3rd respondent to the effect that the panel of 1985 has been cancelled. He also seeks a direction to operate the panel prepared in 1985 and that respondents should 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 applicant's name had 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 of 1989 have been offered appointment and that as and when vacancies arise in future the applicant will also be considered for appointment. It is stated that the only reason given for not going ahead with the earlier panel of 1985 is that it was

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considered advisable for going in for a fresh list of candidates from the Employment Exchange keeping in 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 Naram Bhaskar Rao, Standing Counsel for the Department.

4. As already stated, the facts as contained both in the application and in the counter show that similarly situated persons in the same panel of 1985 had filed an application bearing O.A.No.327 of 1989 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 LDCs in so far as the applicants herein are concerned before preparing a fresh panel as proposed in the impugned letter no.09112/Admin/ OFPM 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 applicant 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 applicant herein is concerned before preparing a fresh panel as proposed in the impugned order no.09112/Admin/OFPM, dated 29-12-1988 and 1-2-89.

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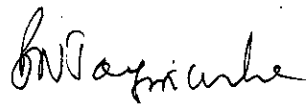
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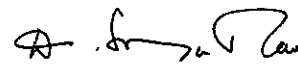
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The fresh panel may be prepared and operated only after giving appointment to the applicant herein. The application is allowed to the extent indicated above. No costs.

(dictated in Open Court)

  
(B.N. JAYASIMHA)  
VICE CHAIRMAN

  
(D. SURYA RAO)  
MEMBER (JUDL.)

DT. 16th April, 1990.

  
DEPUTY REGISTRAR (J)

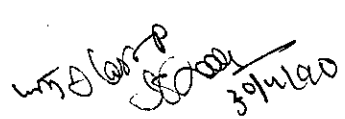
sqh\*

TO:  
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1. The Secretary to the Government, (Government of India) Ministry of Defence, Dept. of Defence productions, New Delhi-110 011.
2. The ~~xxxxxxx~~ Secretary, Ordinance Factory Board, 10R5A, Auckland Road, Calcutta-700 001.
3. The General Manager, Ordinance Factory Project, Yeddumailaram, Medak Dist, Andhra Pradesh-505 205.
4. One copy to Mr. Y. Suryanarayana, Advocate, 40, M.I.G.H., Colony, Mehdiapatnam, Hyderabad-28.
5. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
6. One spare copy.

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kj.

  
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CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBU-  
NAL:HYDERABAD BENCH:HYD.

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

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

A N D

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

A N D

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. 1000/89

~~Admitted and Interim directions  
issued.~~

~~Allowed.~~ NO COSTS.

~~Dismissed for default.~~

~~Dismissed.~~

~~Disposed of with direction.~~

~~M.A. ordered.~~

~~No order as to costs.~~

Sent to Xerox on:

30/4/90

