

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 115/89.

Date of Decision : 9th Dec 1991

T-A-No-

G.Arvind Kumar

Petitioner.

Shri Shaik Shah Ali (Not present)

Advocate for the
petitioner (s)

Versus

The Director, Defence Electronic Research
Laboratory (DLRL), Chandrayangutta, Hyderabad Respondent.
& another

Shri N.V.Ramana, Addl. CGSC &
Shri D.Panduranga Reddy, Spl. Counsel

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. T.Chandrasekhar Reddy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS
M(A).

HTCSR
M(J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.115/89.

Date of Judgment 9th Dec 1991

G.Arvind Kumar

.. Applicant

Vs.

1. The Director,
Defence Electronics
Research Laboratory (DLRL),
Chandrayangutta,
Hyderabad.

2. The District Employment
Officer(Tech),
Musheerabad,
Hyderabad-A.P.

.. Respondents

Counsel for the Applicant : Shri Shaik Shah Ali
(Not present)

Counsel for the Respondents: Shri N.V.Ramana, Addl.CGSC &
Shri D.Panduranga Reddy, Spl.
Counsel

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A) I

This application has been filed by Shri G.Arvind Kumar under section 19 of the Administrative Tribunals Act, 1985 against the Director, Defence Electronics Research Laboratory (DLRL for short) and another, seeking a direction to the respondents to consider his case for the post of Moulder Helper as per Notification No.DLRL/Est.II/0003/T.M. dated 24.1.89 along with other candidates.

2. The respondents issued the notification dated 24.1.89 referred to above to the Employment Exchange calling for applications for the post of Moulder Helper. The applicant says that he is fully qualified and his name is registered in the Employment Exchange. However, the Employment Exchange did not forward his name to DLRL.

When the applicant approached the Employment Exchange he was told that there are already a number of persons ahead of him and only after their cases are sponsored his name would be considered. He approached Respondent No.1 to consider his case even if not sponsored by the Employment Exchange but Respondent No.1 did not agree. Hence, this application with the above prayer.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that according to Ministry of Home Affairs Memorandum No.71/88/58-C/S(C) dated 24.10.58 and CPRO No.60/77 dated 1.6.77, direct appointment to posts and services under the Govt. of India, recruitment to which is not required to be made through U.P.S.C. should be made through the Employment Exchange only. They, therefore, contend that they can consider candidates only if sponsored by the Employment Exchange.

4. We have examined the case. The case is now infructuous in the sense that the appointment based on the notification dated 24.1.89 would ^{already} have been ^{made} ~~filled up~~. However, we will deal with the case since the applicant may still expect that his case should be considered without being sponsored by the Employment Exchange for future vacancies. The case had been called up on a number of occasions previously also and neither the applicant nor his counsel was present thus indicating lack of interest in the prosecution of this O.A. However, on 2.12.91, ^{even in the absence of the applicant's side} we have heard the case from the respondents side ~~only~~ and reserved the case for orders. The point involved is very simple as to whether sponsorship through the Employment Exchange is necessary or not. The applicant relies on the provisions of the Employment Exchanges Compulsory Notification of Vacancies Act, 1959. Against this, there is a judgment of this Bench in O.A. No.10/91 based on a decision of the Hon'ble Supreme Court

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in the case of Union of India Vs. N.Haragopal & others (AIR 1987 SC 1227). Following the judgment of this Bench in O.A.No.10/91 which held that sponsorship by the Employment Exchange is essential, we dismiss this case with no order as to costs.

R. Balasubramanian
(R.Balasubramanian)
Member(A).

T. Chandrasekhar Reddy
(T.Chandrasekhar Reddy)
Member(J).

9th
Dated 9th December, 1991.

4
Dy.Registrar(Judl.)
10/29

2.5
Copy to:-

1. The Director, Defence Electronics Research Laboratory (DRDL), Chandrayangutta, Hyderabad.
2. The District Employment Officer(Tech), Musheerabad, Hyderabad.
3. One copy to Shri. Shaik Shah Ali, H.No.3-2-763, Kachiguda, Hyderabad.
4. One copy to Shri. N.V.Ramana, Addl.CGSC CAT Hydbad.
5. One copy to Shri. D.Panduranga Reddy, Spl. Counsel for the A.P. State, C.A.T. Hydbad.
6. One spare copy.

Rsm/-

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25/10/12

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

:V.C.

AND

THE HON'BLE MR.

M(J)

AND

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

AND

THE HON'BLE MR. T. Chandra Sekhar Reddy : M(J)

DATED: 8/12/1991

ORDER/JUDGMENT:

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

O.A.No.

In

115/89

P.A.No.

(W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions

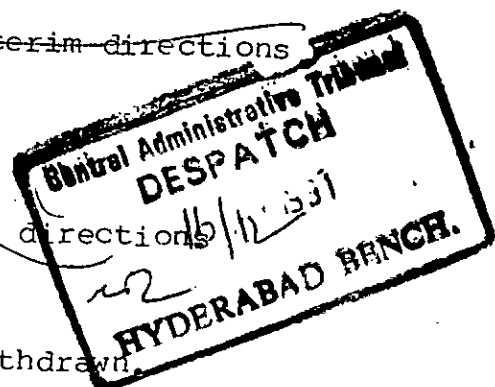
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

Order as to costs.



pvm

10/12/91