

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH AT HYDERABAD.

D.A.No. 122 of 1990

DATE OF DECISION: 14-2-1990

~~XXXXXX~~

T. Kumara Swamy & 5 others

Applicants

~~Petitioners~~

Shri D.P. Kali

Advocate for the  
petitioner(s)

Versus

Station Director, AIR, Warangal, & another

Respondent.

Shri Naram Bhaskar Rao

Advocate for the  
Respondent(s)

CORAM:

THE HON'BLE MR. B.N. Jayasimha, Vice-Chairman.

THE HON'BLE MR. D. Surya Rao, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
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 Tribunals ?
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)

*B.N.J.*  
B.N.J.  
(HVC)

*D.S.R.*  
D.S.R.  
(HMJ.1)

(91)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A.No.122 of 1990.

Date of Order: 14-2-1990

Between:

1. T.Kumara Swamy
2. V.Chandramouly
3. U.Sadanandam
4. Md.Farooq Ali
5. B.Venkateshwarlu
6. R.Navin

.. Applicants

and

1. The Station Director, All India  
Radio, Warangal.
2. The District Employment Officer,  
Warangal District, Warangal.

.. Respondents

APPEARANCE

For the applicants : Shri D.P.Kali, Advocate.

For the Respondents : Shri Naram Bhaskar Rao,  
Additional Central Govt.  
Standing Counsel.

CORAM

HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE MEMBER(JUDICIAL)  
SHRI D.SURYA RAO

This application has been filed by the applicants herein seeking a direction from this Tribunal directing the 1st respondent herein to consider the cases of the applicants for the post of Peon/Helper as per his notification No.1(3)89-S/102, dated 1-11-1989 alongwith the candidates sponsored by the Employment Exchange, Warangal, and this application has come up today for admission.

Contd..page 2/-

92


2. We have heard the learned Counsel for the applicants, Shri D.P.Kali, and the learned Additional Standing Counsel for Central Government Cases, Shri Naram Bhaskar Rao, on behalf of the respondents.

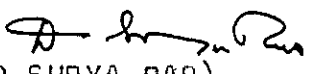
3. The learned Counsel for the applicants contends that the vacancies of Peon/Helper should have been advertised by the 1st respondent instead of restricting to the candidates sponsored by the Employment Exchange. It is stated that if this recruitment is made only through employment exchange, the applicants will not get the chance of appearing until they wait for selection/for a period of 16 or 17 years, by which time they will become over-aged. He also contends that the employment exchanges are under an obligation to circulate Central Government vacancies to other exchanges. It is further contended that according to section 3 of Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, the posts of Peon/Helper are exempted categories being unskilled in nature and therefore the question of notification of vacancies to the Employment Exchange does not arise as the Act does not apply for such vacancies. For these reasons the applicants seek a direction from this Tribunal to the respondent No.1 i.e. Station Director, All India Radio, Warangal, to consider the cases of the applicants.

4. In this connection the learned counsel for the Central Government Shri Bhaskar Rao who takes notice for the respondents contends that this case is covered by the decision of the Supreme Court in Union Of India & others Vs. N.Haragopal reported in & others/(2) 1987 (1) Scale 753 which has been followed by us in several cases. It was held by the Supreme Court that procedure of recruitment from among candidates sponsored by the Employment Exchanges satisfies the <sup>requirements of</sup> provisions of Article-14.

of the Constitution. In the instant case it is not the applicants' case that ~~their~~ juniors who registered after <sup>them &</sup> ~~their~~ had been sponsored. If seniors to the applicants on the rolls of the Employment Exchanges, have been sponsored, this is in accordance with the instructions having regard to the number of vacancies and such a procedure cannot be assailed.

5. In these circumstances, we find no merit in the instant case. We dismiss the above application accordingly. No order as to costs.

  
(B.N. JAYASIMHA)  
Vice Chariman

  
(D. SURYA RAO)  
Member (Judicial)

Dated: 14th. February, 1990.  
(Dictated in Open Court)

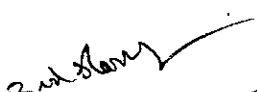
nsr/vcr.

  
DEPUTY REGISTRAR(JF)  
16/4/90

TO:

1. The Station Director, All India Radio, Warangal, Warangal dist.
2. The Dist. Employment officer, Warangal, Warangal district.
3. One copy to Mr.D.P.Kali, Advocate, 2-2-1164/15/B, Tilaknagar, Hyderabad.
4. One copy to Mr.Naram Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
5. One spare copy.

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