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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD.

O.A.No. 137 of 1990

Date of Order: 8-8-1990

Between:-

K. Pentaiah .. Applicant
and

1. The Union of India represented by its Secretary to Government, Ministry of Defence, Deptt. of Defence, Productions, New Delhi-11.
2. The Ordnance Factory Board, represented by the Secretary, Ordnance Factory Board, 10/A, Auckland Road, Calcutta-700001.
3. The General Manager, Ordnance Factory Project, Yeddu-mailaram, Medak District, A.P.-502205.

.. Respondents

Appearance:-

For the Applicant : Shri Y. Suryanarayana, Advocate,
rep. by Shri P. Naveen Rao, Advocate.

For the Respondents : Shri Naram Bhaskar Rao, Addl. CGSC.

CORAM:

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

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

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

1. The Applicant herein is one of the persons of Indrakan Village in Medak District, whose lands were acquired for the Ordnance Factory Project in Yeddu-mailaram, Medak District. The 3rd Respondent organisation called for a list of eligible candidates from among the list of Land Displaced persons from the Employment Exchange, Medak,

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for appointment to the posts of Metre Reader. The Dist. Employment Officer, Medak, recommended the names of such eligible candidates including the name of the Applicant in the panel. The Applicant, who was also found fit, was asked to complete the requisite attestation form in triplicate and after submitting the same, ~~fully filled in~~, his name was included in the panel of 11 candidates eligible for appointment to the post of Metre Reader. Consequently his name was deleted from the seniority list of Employment Exchange, Medak. The Applicant contends that in terms of the instructions contained in Ministry of Home Affairs (Department of Personnel and Administrative Reforms) O.M.No.22011/2/79-Estt(d), dated 8-2-1982, once a person has been included in the panel, it is incumbent upon the respondents to appoint him before they resort to fresh selection. The Applicant states that he understands that there are vacancies of Metre Reader and by virtue of inclusion of his name in the select list, he has got a right to be appointed against one of these vacancies. He has, therefore, filed this Application praying to call for the records relating to and connected with the proceedings of the Respondent organisation bearing Lr. No.C204/Admn./OEPN/86, dated 31-1-1986 and Lr.No.09204/Admn., dated 12-4-1986 issued by the 3rd Respondent and direct the 3rd Respondent to appoint the applicant to the post of Metre Reader.

2. On behalf of the Respondents a counter has been filed, admitting that the Applicant was included in the select list, ^{but} his place ~~is~~ at serial No.8 and that it is a fact that Government orders exist for appointment of candidates available in the waiting list in the first

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instance and then only to go for fresh recruitment. It was further stated that at present there is no requirement for the post of Metre Reader and that as and when the vacancies arise, the Applicant will be considered for appointment.

3. On behalf of the Applicant an additional affidavit has been filed stating that out of 5 candidates belonging to the land displaced persons kept in the panel of candidates for appointment as Metre Readers, 4 candidates were called for interview to the posts of Labourer in the year 1989 and were appointed as Labourers by the 3rd Respondent through proceedings No.09236/Admin/OFPM/89, dated 13-7-1989, but the same consideration was not given to the Applicant and he continues to be on the waiting list. He therefore prays that a direction may be issued to the Respondents to grant him early employment.

4. We have heard Shri P.Naveen Rao, learned Counsel for the Applicant, appearing on behalf of Shri Y.Suryanarayana, and Shri Naram Bhaskar Rao, learned Additional Central Government Standing Counsel, for the Respondents.

5. Shri Naveen Rao submits that the Applicant is willing to take up the employment even as a labourer and is not insisting for appointment to the post of Metre Reader only. The Respondents obviously cannot have any objection to grant the applicant appointment as Labourer as similarly placed persons selected as Meter Readers were appointed as Labourers.

6. In the circumstances, since similarly situated persons, who were included in the select list, were given the benefit of appointment as Labourers, the Respondents are directed to offer an appointment as Labourer to the

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Applicant when the first vacancy of Labourer arises in future.

7. The Application is disposed off with the above direction. No order as to costs.

(Dictated in Open Court)

B.N.Jayasimha
(B.N.JAYASIMHA)
VICE-CHAIRMAN

D.Surya Rao
(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 8th Aug., 1990

Pushkar Rao
for *Pushkar Rao*
DEPUTY REGISTRAR (JULL)

nsr

To

1. The Secretary to Government, Union of India, Ministry of Defence, Department of Defence, Productions, New Delhi - 11.
2. The Ordnance Factory Board, rep. by Secretary, Ordnance Factory Board, 10/A, Auckland Road, Calcutta - 1.
3. The General Manager, Ordnance Factory Project, Yedumailaram, Medak District, A.P. 305.
4. One copy to Mr. Y. Suryanarayana, Advocate rep. by Shri P. Naveen Rao, Advocate 40, M.G.M Housing Board Colony, Menicipatnam, Hyderabad.
5. One copy to Mr. N. Bhaskara Rao, Addl. C.S.C.CAT.Hyd. Bench.
6. One sparecopy.

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TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

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

DATE: 8/8/90.

ORDER/JUDGMENT:

M.A. / R.A / C7A / No.

in

T.A. No.

W.P. No.

O.A. No. 137/90.

Admitted and Interim directions issued

Allowed

Dismissed for Default.

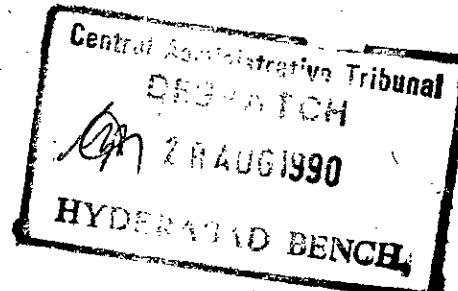
Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.



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