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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.NO. 138 of 1990

Date of Order: 5.9.1990.

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Between:

1. M.Narsimuloo
2. K.Jaya Prakash Rao
3. K.Sudhakar Reddy
4. P.Jaipalreddy

..Applicants

and

1. The Union of India, represented by its Secretary to Government to Ministry of Defence, Department of Defence, New Delhi.
2. The Ordinance Factory Board, rep. by Secretary, Ordinance Factory Board, Calcutta.
3. The General Manager, Ordinance Factory Project, Medak District, A.P.

..Respondents

..

APPEARANCE:

For Applicants: Mr.P.Navin Rao, Advocate
for Mr.Y.Suryanarayana, Advocate

For Respondents: Mr.N.Bhaskar Rao, Addl.CGSC

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C O R 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 Hon'ble Shri D.Surya Rao
Member(Judl))

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1. The applicants who are 4 in number have filed this application questioning the action of respondents in not appointing them in the category of 'Labour B' in the Project of Respondent no.3 by exhausting the select list prepared pursuant to the selection test and interviews conducted on 25-2-1986.

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2. The applicants state that the post of Labour B which is a lower grade post like the posts of Peons Messenger Boys and Metre Reader, are to be filled from Land Displaced Persons only. The 3rd respondent notified the vacancies to the District Employment Officer, Medak requesting him to send a list of eligible candidates from the Land Displaced persons for selection. Pursuant to the above requisition, the District Employment Officer recommended the names of eligible candidates according to the seniority in the exchange and the applicants are among those candidates who were recommended. Call letters were issued to all the candidates advising them to report for interview at Ordinance Factory Project Medak on 25-2-1986. Accordingly interviews were conducted and the candidates who were found fit and eligible were issued with 3 sets of attestation forms in letter dated 19-8-1986. The candidates were directed to complete the forms and report to the Office on or before 30-7-1986. The candidates including the applicants herein submitted the duly filled forms and after the said submission the 3rd respondent prepared a Panel of candidates eligible for appointment to the post of Labour B. This fact was also intimated to the District Employment Officer, Medak and their names were deleted from the Seniority list of the exchange. The applicants names were also included in the said Panel and the panel ~~was~~ still in force.

3. The applicants state that according to the instructions contained in O.Ms.No.22011/2/79-Estt(d) dated 8-2-1982 issued by the Ministry of Home Affairs, in regard to the preparation of select list and appointment ~~to the fresh in case of select list~~ ^{from the panel}, the existing panel

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should be exhausted before resorting to preparation of a fresh select list and that there is no time limit prescribed for the validity of the select list and so long as all the candidates are not appointed, the select list is valid. The applicants understand that there are vacancies in the category of Labour and by virtue of their inclusion in the select list they have a right to be considered for appointment to the posts of Labour B which are existing. The applicants further submit that similarly situated persons in the categories of LDCs and Canteen vendors whose names were included in the panel prepared in the year 1985 approached this Hon'ble Tribunal by filing O.A.No.327/89 and O.A.767 of 1989 and the said OAs were allowed by this Tribunal. Hence the applicants filed this application.

4. The respondents have filed a counter stating that the vacancies notified to the District Employment Exchange, Sangareddy were for the post of Meter Reader (semi skilled) and not for the post of Labourer 'B' (Unskilled). It is stated that the candidates sponsored by the District Employment Exchange were interviewed on 25-2-86. The applicants were also interviewed along with the other candidates but they were not found suitable for the post of Meter Reader. Having regard to the fact that the applicants were Land Displaced persons, they along with 7 other candidates were selected for the post of Labourers. The position of the applicants in the Selection List of Labourer is at sl.nos.9,11,2 and 8 respectively. It is stated that mere submission of attestation forms by the applicants does not automatically entitle them for any

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~~for~~ appointment. The respondents further state that at the time of acquisition of land for construction of the factory, the Central Government had agreed to consider the possibility of providing employment opportunity to atleast one member from each Land Displaced Person(LDP) family. Although the applicants were selected for the post of Labourer 'B' grade, when their cases for appointment were taken up for consideration, it was found that one member from their family had already been appointed in the factory as per details shown below:

Sl. No.	Name of the applicant	Name of the Patta holder	Particulars of dependants of the patta holder	Name of family member already appointed
1.	M.Narsimuloo	M.Chandraiah	1.Chandraiah 2.Narsimuloo 3.Gopal	Gopal was already appointed as Peon
2.	K.Jaya Prakash Rao	Prakash Rao	1.Prakash Rao 2.Laxmi Narsimha Rao	Laxmi Narsimha Rao was already appointed as Peon
3.	K.Sudhakar Reddy	Ranga Reddy	1. Ranga Reddy 2. Sudhakar Reddy 3. Anji Reddy	Anji Reddy was already appointed as Babouner
4.	P.Jaipal Reddy	J.Penta Reddy	1. Jaipal Reddy 2. Narsimha Reddy 3. Nagamma 4. Venkat Reddy	Narsimha Reddy was already appointed as Peon

It is, therefore, stated that in order to see that the other LDP families also get the benefit of employment opportunity to atleast one member from the family, the applicants could not be offered appointment. It is further stated that all the candidates who were subsequently appointed as Labourer^B were from the LDP families.

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5. In regard to the instructions contained in O.M. dated 8-2-1982 issued by the Ministry of Home Affairs, it is not disputed that the existing panel should be exhausted first and then only go in for fresh recruitment. It is submitted that at the time when the applicants' cases for appointment were taken up, it was found that one member from the family of the applicants have already been appointed in the factory and that since the benefit of employment opportunity was required to be extended to other LDP families also, these applicants could not be appointed. For these reasons, the respondents oppose this application.

6. A reply affidavit has been filed by the ~~applicants~~ stating that at no point of time they were informed that their cases could not be considered in view of the fact that a member of the family is already appointed under the category of LDP and working in the factory and their names continued to appear on the select list. In regard to the contention that only one person from the family of LDP could be appointed, it is stated that there are instances wherein more than one person is appointed from one LDP family. Some of the instances are as follows:

S. No.	Name	Father's name	Year of appointment	Designation
I.	1. S.Chandra	S.Durgaiah	1984	Peon
	2. S.Ratnaiah	do	1984	Labourer
	3. S.Manaiah	do	1989	Labourer
II.	1. Jacob	Bavani	1984	Peon
	2. Sanjeevaiah	do	1984	Peon
III.	1. M.Ananth Reddy	Hanmanth Reddy	1984	Peon
	2. M.Damodhar Reddy	do	1986	Durwan
etc			

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7. The applicants state that there are no instructions and guidelines to restrict to one person from a family of LDP, that in view of their selection and inclusion in the select list by the 3rd respondent their names are deleted from the Employment Exchange rolls and that it is settled law that when a person is included in the select list of eligible candidates the said candidate has a right to be considered for appointment. It is further contended that the respondents cannot appoint persons placed below the applicants overlooking their claims and without giving them any notice and opportunity.

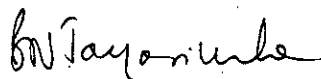
8. We have heard Shri Navin Rao, Advocate for Shri Y.Suryanarayana, learned counsel for the applicant and Shri N.Bhaskar Rao, Addl.C.G.S.C.

9. The fact that the applicants were included in a panel or Select List for appointment as Labour 'B' category in 3rd respondent-Factory is not denied. The only defence put-forth by the respondents is that after acquisition of the properties of various pattedars an agreement was reached between the Management of the Factory and the State Government that families of Land Displaced Persons would be given one job per family, that in the cases of the applicants' families one job per family has already been provided and so they are not eligible for jobs. The respondents have not in the instant case before us produced any proof of such an agreement or decision limiting giving of one job to each family of the Land Displaced Persons. Since the respondents have not established that there is a

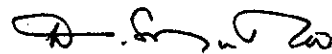
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bar to employment of more than one member of a family being given employment and since it is not denied that they have given employment to more than one member of a family in the past there should be no objection to the applicants also being given appointments since they are included in the panel. We should not however be understood to lay down a general rule that all members of all pattedars families who have lost ~~jobs~~ *livelihood* due to acquisition of their lands should be given jobs in the Respondent-factory. It is only on the facts of the present case that we are holding that there is no bar to the applicants being given appointments. The application is accordingly allowed as prayed for but without costs.



(B.N. JAYASIMHA)
Vice Chairman



(D. SURYA RAO)
Member (Judl.)

Dt. 5th September, 1990

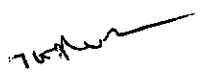


Deputy Registrar (Judl.)

To SQH*

1. The Secretary to Government, Union of India,
Ministry of Defence, Department of Defence, New Delhi.
2. The Secretary, Ordinance Factory Board,
Ordinance Factory Board, Calcutta.
3. The General Manager, Ordinance Factory Project,
Medak Dist. A.P.,
4. One copy to ~~Mr. Y. Suryanarayana~~ Mr. Y. Suryanarayana Advocate
40, MIG Housing Board Colony, Mehidipatnam, Hyderabad.
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.
6. One spare copy.

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CHECKED BY *98/519*

APPROVED BY

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: 5/9/90

ORDER/JUDGMENT:

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

in

T.A.No.

W.P.No.

O.A.No. 138/90

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.

