

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

(32)

O.A. No. 149 of 1990

Date of Decision : 7-12-1990

~~TXANNOX~~

N.Srinivas & another

Applicants
Petitioners

Shri Y.Suryanarayana

Advocate for the
petitioner (s)

Shri P.NaveenRao

Versus

Union of India,

Respondent.

& 2 others

Shri E.Madan MohanRao, Addl.CGSC. Respondent (s)

Advocate for the

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 Judgement ? NO
2. To be referred to the Reporter or not ? NO
3. Whether their Lordships wish to see the fair copy of the Judgment ? NO
4. Whether it needs to be circulated to other Benches of the Tribunal ? NO
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.

AS

(B.N.J.)

(D.S.R.)

33

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

O.A.No. 149 of 1990

Dt. of Decision: 7-12-1990

Between:-

1.N.Srinivas

2.J.Srinivasachary ..

Applicants

and

1.The Union of India represented by its Secretary to Government, Ministry of Defence, Department of Defence Productions, New Delhi-110011.

2.The Ordnance Factory Board represented by Secretary, Ordnance Factory Board, 10/A, Auckland Road, Calcutta-700001.

3.The General Manager, Ordnance Factory Project, Yeddu-mailaram, Medak District, A.P.502 205.

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Respondents

Appearance:-

For the applicants : for Shri P.Naveen Rao, Advocate
Shri Y.Suryanarayana, Advocate.

For the respondents : Shri E.Madan Mohan Rao,
Addl.CGSC.

CORAM:

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

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

(ORDER OF THE DIVISION BENCH DELIVERED BY HONOURABLE
SHRI D.SURYA RAO, MEMBER(J).)

1. The applicants herein, who are 2 in number, have filed this O.A. stating that they belong to families of persons, whose lands were taken over for the Ordnance Factory (3rd respondent) and consequently they became

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displaced persons. The 3rd respondent notified the vacancies to the District Employment Officer, Medak District, requesting him to send a list of eligible candidates from the land displaced persons for selection to the posts of Messenger Boys. The names of the applicants alongwith other names of eligible candidates according to the seniority were recommended by the District Employment Officer. A selection took place and panel of 9 persons was prepared in the category of Messenger Boys. Out of them 7 candidates were again called for an interview in the category of Peons. This was because the posts of Messenger Boys had been abolished. After such interview, all those persons, who were called for interview, were selected and were appointed as Peons in the 3rd respondent department but whereas it did not wish to take the ^{any} ~~use not given to~~ applicants into its employment. The applicants' grievance is that though they were included in the panel, yet they were not called for the interview or considered for appointment to the posts of Peons. The applicants have therefore sought a direction to call for the records relating to the case and direct the respondents to appoint the applicants in the category of Peons from the date their juniors in the panel were appointed, with all consequential benefits.

2. The respondents have filed a counter admitting that the applicants were included in the panel for Messenger Boys, but no appointment was given to them because at the time of acquisition of the land for construction of the factory, the Government had agreed to consider the possibility of providing employment opportunity to ^{only} one member from each Land Displaced Patta. It was found that one member from the Land Displaced Patta of the applicants

35

had already been appointed in the factory as per details shown below:

Sl. No.	Name of applicant	Name of Pattaholder	Dependents of Patta Holder	Name of the dependent who has already been appointed in the factory.
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1.	N.Srinivas S/o.Mallaiah (Applicant.1)	N.Chinna Venkanna	1.Chinna Venkanna Mallaiah 2.Narsimulu 3.N.Mohan Rao	N.Mohan Rao was appointed as Peon on 27.6.1984.
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2.	J.Srinivasa S/o.Raghava (Applicant.2)	Raghava Chary S/o.Kishta chary	1.Narasimha Rao 2.Prabhakar Rao	Narasimha Rao was appointed as Welder
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3. We have heard Shri P.Naveen Rao, Counsel for the applicant, and Shri E.Madan Mohan Rao, Addl.CGSC, for respondents.

4. In a similar matter in O.A. 138 of 1990 (Dt. of Order

5.9.1990) we have decided as follows:-

" 9. The fact that the applicants were included in a panel of 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 bar to employment of

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(36)

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 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... "

Applying the same decision, we direct that the respondents consider the applicants herein for appointment against Class-IV posts in the 3rd respondent Factory for the vacancies which may arise. Accordingly the application is allowed. There is no order as to costs.

(Dictated in Open Court)

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

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

Date: 7-12-1990

Deputy Registrar (Jud)

To to Government,

1. The Secretary, Union of India, Ministry of Defence, nsr Dept. of Defence Productions, New Delhi -11.
2. The Secretary, Ordnance Factory Board, 10/A, Auckland Road, Calcutta -1.
3. The General Manager, Ordnance Factory Project, Yeddu mailaram, Medak Dist. A.P. 205.
4. One copy to Mr.P.Naveen Rao, Advocate for Mr.Y.Suryanarayna, Advocate, 40 MIGH, Housing Board colony Mehidipatnam, Hyderabad
5. One copy to Mr.E.Madanmoahn Rao, Addl.CGSC.CAT.Hyd.Bench
6. One spare copy.

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Rao
27/12/90
B.S.
1/12
CHECKED BY
TYPED BY

APPROVED 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 : M(J)
AND

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

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

DATE: 24-9- 7/12/90

~~ORDER~~ / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No. 149/90

~~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.

