

(21)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No.166/90.

Date of Decision : 13.3.1992

~~TAX No.~~

Shaik Meeravalli

Petitioner.

Sri C.Suryanarayana,

Advocate for the
petitioner (s)

Versus

The Divisional Officer (Engg.).., Telecom,
Nalgonda-508 050 & ~~xxx~~ others

Respondent.

Sri Naram Bhaskara Rao, Addl. Standing Counsel
for Central Govt.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

THE HON'BLE MR. T. CHANDRASEKHAR REDDY, MEMBER (JUDL.)

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)

HTCR
M(J)

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

O.A. No.166/90

Date of Decision : 13-3-1992

Between

Shaik Meeravalli

..

Applicant

Vs.

1. The Divisional Officer(Engg)
Telecom, Nalgonda - 508 050

2. The Chief General Manager, Telecom,
Andhra Pradesh, Hyderabad 500 001

3. The Director General, Telecom,
(Representing Union of India)
New Delhi 110 001

.. Respondents.

Counsel for the applicant : Sri C. Suryanarayana, Advocate

Counsel for the respondents : Sri Naram Bhaskara Rao, Addl.
Standing Counsel for Central
Govt.

CORAM :

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER(ADMN.)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Judgement of the Division Bench as per Hon'ble
Shri T. Chandrasekhara Reddy, Member(Judl.)

This application is filed under Section 19 of the
Administrative Tribunals Act to declare that the applicant
is entitled to appointment as Wireman and direct the respon-
dents to take immediate steps to impart training to the
applicant and appoint him as Wireman with all other incidental
and consequential benefits.

The facts giving rise to this OA in brief are as follows:

2. On 16-2-1987, General Manager, Telecom, AP, Hyderabad,
who is the second respondent herein issued notification for

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18/8/92

recruitment of Wireman for the year 1987. In the said notification it was announced that in all divisions and circles, on 24-5-1987 by way of an entranceⁿ written test an examination will be held. The applicant herein who is working as Casual Mazdoor in the said Division appeared for the said test that was conducted. According to him, he passed the entrance test as well as aptitude test conducted on 24-5-1987 for recruitment for wireman in the Nalgonda Division. The fact that the applicant passed aptitude test and also the test conducted by the Selection Committee was made known when the results were published in the month of January, 1988. Alongwith the applicant one Sri P. Subash Reddy, RM, Telephones is said to have been selected for the said post of wireman. It is the case of the applicant that eventhough ~~one~~ another vacancy for the post of wireman was available that the applicant had not been selected for the said post and had been discriminated for no valid reasons and hence the present OA by the applicant for the reliefs as already indicated above.

3. The respondents have filed counter maintaining that the final selection of the wireman had been made as per the recommendations of the Departmental Promotion Committee (hereinafter called as 'DPC') that was convened on 26-2-1988 and that the applicant was not selected by the DPC and so the applicant was not sent for the training as wireman and hence the application is liable to be dismissed.

4. In view of the stand taken by the respondents that the applicant was not selected by the 'DPC', as per our orders dated 30-1-1992, we directed the respondents to produce before us the DPC proceedings relating to the applicant and another for selection for the said posts as wireman. The said DPC proceedings were produced before us on 13-2-1992.

20/2/92

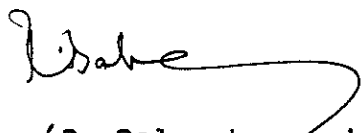
(24)

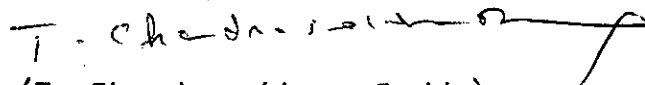
5. We have heard Sri C. Suryanarayana, Counsel for the applicant and Sri Naram Bhaskara Rao, Counsel for the respondents. We have gone through the DPC proceedings. The DPC proceedings would go to show that the applicant had qualified himself in the said test for the said post of wireman. The Departmental proceedings further go to show in the departmental quota that two vacancies were available; one vacancy for OC and another for SC ^{and} that the said Subhash Reddy had been selected in the OC post and as no SC candidate was qualified, that post had been kept vacant and so the applicant had not been taken in the said SC vacancy.

6. So, as could be seen from the DPC proceedings as already pointed out the fact that the applicant is fully qualified to be appointed as wireman is not at all in dispute. Nothing precluded the respondents to consider the applicant for selection, after carrying forward the unfilled reserved vacancy in the year 1987, meant for SC to the next year, 1988 and consider the applicant in the vacancy for the year 1987. As a matter of fact, when vacancies are reserved for certain class of people in an year the said vacancies are not filled up when qualified people are not available in the reserved class, the rules provide that the unfilled reserved vacancies may be carried forward to the next year and added to the reserved vacancies of that year in that class. In this case, by carrying forward the reserved vacancy for the year 1987 to the next year of 1988 will only result in adding one more reserved vacancy for the year 1988 and loss of one vacancy for the OC for the year 1988. In this way the interests of the said class of persons for whom the vacancy wireman is reserved for the year 1987 will not suffer in any way and the interest of the claims of the said class of persons for whom the said reservation is meant is well protected.

7. As already pointed out, as the applicant is fully qualified to be appointed as wireman, we are of the opinion that the interests of justice would be ~~met~~ by giving suitable direction to the respondents in deciding this OA.

Hence, we direct the respondents to carryforward the reserved vacancy of the year 1987 meant for Schedule Caste to the next year 1988 and to consider the applicant for appointment as wireman in the said vacancy so arises. The OA is allowed accordingly. In the circumstances of the case, we make no order as to costs.


(R. Balasubramanian)
Member(A)


(T. Chandrasekhara Reddy)
Member(J)

Dated 13th March, 1992
Dictated in Open Court


Deputy Registrar (Judl.)

grh/sk

Copy to:-

1. The Divisional Officer(Engg) Telecom, Nalgonda-508 050.
2. The Chief General Manager, Telecom, Andhra Pradesh, Hyd-001.
3. The Director General, Telecom, (Representing Union of India) New Delhi-110 001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One spare copy.

7. one copy to D.R. (C)
Rsm/-

