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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD

ORIGINAL APPLICATION NO.244 of 1990

DATE OF ORDER: 17th August, 1990.

BETWEEN:

Mrs. Rani Girija

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Applicant

AND

1. Govt. of India represented by
Secretary to the Government,
Ministry of Defence, Dept. of
Defence, Productions,
New Delhi.
2. The Ordinance Factory Board,
represented by Secretary,
Ordinance Factory Board,
Calcutta-1.
3. The General Manager, Ordinance
Factory Project, Yeddumallaram,
Medak District, A.P. .. Respondents

FOR APPLICANT : Mr. Y.Suryanarayana, Advocate

FOR RESPONDENTS : Mr. Naram Bhaskar Rao, Addl. CGSC

CORAM: Hon'ble Shri B.N.Jayasimha, Vice Chairman

Hon'ble Shri D.Surya Rao, Member (Judl.)

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

The applicant herein claims that she was included
in a panel for appointment as Lower Division Clerk in the
office of the 3rd respondent by an order dated 29.11.1986.

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This panel was prepared after considering ^{the} candidates sponsored by the District Employment Officer, Medak. The Panel comprises of 72 candidates. The fact of preparation of the panel was also intimated to the District Employment Officer on 29.11.86. The panel was enforced till ^{the} issue of the letter dated 1.2.1989 by the 3rd respondent. Through these impugned proceedings dated 1.2.1989, the 3rd respondent cancelled 1985 panel which comprises of 28 persons yet to be appointed. The applicant contends that out of the panel of 72 candidates, 42 were already appointed. The applicant states that there are further vacancies of LDCs available and are yet likely to arise. The 3rd respondent had notified 20 vacancies through letter dated 29.12.1988 to the District Employment Officer and asked to recommend eligible candidates to the extent of four times of the vacancies. Pursuant thereto, the District Employment Officer had sent a list of eligible candidates. The applicant assails the action of the 3rd respondent in seeking to prepare a fresh panel when the existing panel is not yet exhausted. She also seeks to assail the subsequent cancellation of the existing panel. Reliance was placed upon O.M.No.22011/2/79-Estt(d) dated 8.2.1982 of the Department of Personnel & Administrative Reforms which lays down that before a fresh panel is prepared, existing panel must be exhausted. The applicant contends that the matter is covered by a decision in ^a similar matter rendered by this Tribunal in O.A.No.327 of 1989. It is, therefore, prayed that the records relating to the letter No.09112/ADMIN/OFPM dated 29.12.1988 of the 3rd respondent and the consequential letter dated 1.2.1989 be called for, quashed and set-aside. The applicant also seeks a direction to the respondents to operate the panel prepared in 1985 for appointment to the post of LDC in the respondents' organisation.

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2. On behalf of the respondents, a counter has been filed. It is admitted that the applicant was included in the panel prepared in the year 1986 and that her position is 66 in the select list. It is however stated that the requirement of Lower Division Clerks was reviewed in December 1988, ~~and~~ taking into account the performance of the candidates belonging to the 1985 batch who have already been appointed, ~~and~~ it was considered advisable to call for fresh candidates. Hence, a requisition was placed for 20 vacancies to the District Employment Officer, Sangareddy on 29.12.1988. It is stated that the vacancies notified in the year 1985 were in excess of sanctioned strength in the grade of Lower Division Clerks and, therefore, a ^{list of} large number of waiting list candidates was prepared. In these circumstances, the District Employment Exchange, Sangareddy was requested to cancel the old select list and to sponsor fresh names. While admitting that 10 of the waiting list candidates of 1985 select list had filed O.A.No.327/1989 and the said O.A. was allowed, it is stated that in accordance with the directions of the Tribunal, all the 10 applicants in the said O.A. were offered appointment and they have since joined duty. It is further submitted that after appointing the 10 applicants in O.A.No.327/1989, the remaining vacancies are being filled up by candidates belonging to the 1985 select list in the order of their position in the merit list. The candidates upto the merit position No.60 have been appointed. It is further submitted that as and when the requirement in the grade of Lower Division Clerk arises, the applicant would also be considered for appointment depending upon her position in the merit list.

To

1. The Secretary to the Government,
Government of India,
Ministry of Defence, Dept. of Defence,
Productions, New Delhi.
2. The Secretary, Ordinance Factory Board,
Ordinance Factory Board, Calcutta - 1.
3. The General Manager, Ordinance Factory Project,
Yeddumailaram, Medak Dist. A.P.,
4. One copy to Mr. Y.Suryanarayana, Advocate
40, M.I.G. Housing Board Colony, Mehidipatnam, Hyderabad.
5. One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd. Bench.
6. One spare copy.

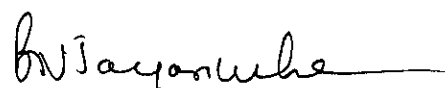
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3. We have heard the learned counsel for the applicant, Shri Naveen Rao and the learned Additional Standing Counsel for the respondents/Department, Shri Naram Bhaskar Rao. It is clear that the matter is covered by the decision of this Tribunal in O.A.No.327/1989 and the respondents pursuant to the directions therein are considering the persons in the waiting list of 1985 including the applicant as and when vacancies arise for being filled up. The applicant will be considered when her turn comes. In the circumstances, the relief asked for by the applicant is being given to her by the respondents, and as such no further directions are necessary.

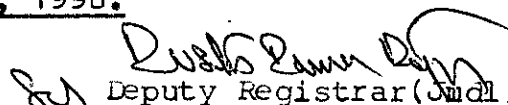
4. The application is accordingly disposed of. There will be no order as to costs.

(Dictated in the open Court).


(B.N. JAYASIMHA)
Vice Chairman


(D. SURYA RAO)
Member (Judl.)

Dated: 17th August, 1990.


Deputy Registrar (Judl.)

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CHECKED BY

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: 17/8/90

ORDER/JUDGMENT:

I.A./ R.A/C7A/No.

in

T.A.No.

W.P.No.

O.A.No.

244/90.

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.

