

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

OA.No.249 of 1990.

Date of Order : 22-3-1990.

Kalakotla Malleesham

...Applicant

vs.

1. Assistant Engineer, T.V.Relay Station, Warangal, Warangal District.
2. The Station Engineer, T.V.Maintainance Centre, Rajahmandri, East Godavari District.
3. The District Employment Officer, Warangal, Warangal District.

...Respondents.

Counsel for the Applicant : M/s Sheikh Shah Ali & D.P.Kali, ~~Advocate~~.

Counsel for the Respondents : Shri Naram Bhaskar Rao, Addl.CGSC for RR 1 & 2.

Counsel for the Respondent Mr. ~~D.Panduranga Reddy~~, Spl. Counsel for State of AP for R3.

CORAM:

HONOURABLE SHRI B.N.JAYASIMHA : VICE CHAIRMAN

HONOURABLE SHRI D.SURYA RAO : MEMBER (JUDL)

(Judgment of the Bench dictated by Hon'ble Shri D.Surya Rao, Member (J) ).

The applicant herein states that the respondent No.1 i.e. the Assistant Engineer, T.V.Relay Station, Warangal notified to the local employment exchange for the post of helper in the T.V.Relay Station and called upon employment exchange to sponsor the candidates. The applicant submits that he has registered his name in the employment exchange and waiting for a call letter.

When the applicant approached the first respondent he was informed that unless his name was sponsored by the Exchange he will not be selected.

2. It is alleged that to recruit candidates only through the Employment Exchange is contrary to Industrial Employment (Standing Orders Act) 1946 and Industrial Dispute Act, 1947, /raised is that the T.V.Relay Station Warangal is an industry and hence the vacancy of Helper in an industry is outside the purview of the Employment Exchange as per section 3 of Compulsory Notification of Vacancies Act, 1959. Another contention It is further contended that the respondents should have circulated the vacancies to all other Exchanges. He therefore seeks a direction to consider him for the post of Helper.

3. We have heard Shri Shaik Shah Ali, counsel for the applicant. The main plea of Shri Shaik Shah Ali is that the applicant is entitled to apply for and be considered for appointment when there is a vacancy. He contends that recruitment cannot be made through the Employment Exchange. For this purpose he relies upon the Industrial Employment (Standing Orders Act) 1946 and Industrial Dispute Act, 1947. The learned counsel for the applicant has however not been able to satisfy or show to us which provision of the Industrial Employment (Standing Orders Act)

1946 and Industrial Dispute Act, 1947 prohibits making of recruitment through the medium of the Employment Exchange. He has also not been able to satisfy or establish how these enactments would apply to the T.V. Relay Station Warangal. The last contention is that the Employment Exchange Compulsory Notification of Vacancies Act, 1959 does not apply to Class-IV employees and so there was no need to notify the vacancy in question to the Employment Exchange. In so far as the Central Government Departments are concerned the circular instructions have been issued by the Government of India, directing the recruiting authorities to consider the candidates sponsored by the Employment Exchanges in connection with the Class-IV or Class-III posts. In Union of India Vs. Hargopal (AIR 1987 SC 1230), the Supreme Court observed the recruitment through the Employment Exchange is not violative of Article 14 and the circular instructions were held to be valid. Therefore, this contention is also untenable and is rejected.

4. In the circumstances, we do not find any merit in this case and it is accordingly dismissed. No costs.

*B.N.Jayasimha*  
(B.N.JAYASIMHA)

VICE CHAIRMAN

*D.Surya Rao*  
(D.SURYA RAO)  
MEMBER (J)

Dated: 22nd March, 1990.  
(Dictated in open Court)

*T Venkateswaran*  
314/90  
DEPUTY REGISTRAR (A)

avl/vcr.

To:

1. The Assistant Engineer, T.V.Relay Station,  
Warangal, Warangal district.
2. The Station Engineer, T.V.Maintainance Centre,  
Rajahmandri, East Godavari District.
3. The District Employment officer, Warangal, Warangal dist.
4. One copy to Mr.Shaikh Shah Ali & D.P.Kali, Advocates,  
Hyderabad.
5. One copy to Mr.Naram Bhaskara Rao, Addl.CGSC,CAT.,  
Hyderabad for RR 1 & 2. Reddy,
6. One copy to Mr.D.Panduranga /<sup>+</sup> Spi.counsel for State of  
A.P. for R-3.
7. One ~~as~~ spare copy.

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