

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.254/90.

Date of Judgment 7-8-90

G.Satyanarayana

.. Applicant

Versus

The Secretary,
Ministry of Labour &
Rehabilitation,
New Delhi & 5 others

.. Respondents

Counsel for the Applicant : Smt. M.Vinobha Devi,
Advocate.

Counsel for the Respondents : Shri E.Madan Mohan Rao,
Addl. CGSC.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I.

This is an application filed by Shri G.Satyanarayana
under section 19 of the Administrative Tribunals Act
against the Secretary, Ministry of Labour & Rehabilitation,
New Delhi and 5 others.

2. The applicant who has passed I.T.I. during the period
1983-85 was selected for apprenticeship with the respondents
and had completed the same on 2.6.87. Immediately thereafter
he was appointed as a Draughtsman on casual basis and he
worked in the said post from 6.6.87 to 27.12.89. The
applicant was being paid the wages in regular scale of pay
of Draughtsman (Mechanical). According to the applicant
there are three regular vacancies of Draughtsman (Mechanical).

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one reserved for the S.C. candidates and the other two open to O.Cs to which the applicant belongs. The applicant claims that he is entitled for absorption as Draughtsman in the existing vacancies under the trained apprentices quota. He is aggrieved that the respondents are treating him as a direct candidate and are insisting on a written test and interview. The respondents issued a circular on 18.8.88 inviting applications from amongst eligible departmental candidates for the posts of Draughtsman 'B' in Mechanical, Civil and Electrical branches. In the said notification they had also indicated that if candidates are not found suitable for appointment to the post of Draughtsman 'B' they will be considered for the lower post of Draughtsman 'A'. The applicant is not eligible for Draughtsman 'B' post which requires 5 years of experience. He therefore contends that he should at least be considered for the lower post of Draughtsman 'A'. On 20.8.87 there was also a circular inviting applications from departmental candidates for the posts of Tradesman 'B' (Tracer). The applicant states that he had applied for this post and he is aggrieved that he did not get this also. He has prayed that the Tribunal direct the respondents to absorb the applicant in the post of Draughtsman (Mechanical) or Tradesman 'B' (Tracer).

3. The respondents have opposed the prayer. They point out that for the posts of Tradesman 'B' (Tracer) they had notified the Employment Exchange on 27.7.87 in addition to the circular of 20.8.87 meant for internal circulation among departmental candidates. The name of the applicant has not been sponsored

by the Employment Exchange and there is no application from the applicant as an internal candidate. It is their contention that in the case of apprentices their claim can be considered only if their names are sponsored by the Employment Exchange. As regards the applicant's claim for the post of Draughtsman, they point out that he is not eligible for Draughtsman 'B' since he does not possess 5 years of experience. On a review they found that there was a backlog in reserved categories of S.C./S.T. They also point out that it is not automatic that when a person is not suitable for the post of Draughtsman 'B' he is ~~automatically~~ given the lower post of Draughtsman 'A'. Unless the concerned Department - Mechanical, Civil or Electrical ~~requires~~ requires Draughtsman 'A' they do not offer the lower post to those who do not fulfil the conditions for the higher post of Draughtsman 'B'. In the light of the above, they have filled up all the posts excepting one post of Draughtsman which is reserved for the S.T. category. 4 vacancies have already been filled up, 2 by S.C. candidates and 2 by O.C. candidates. It is, therefore, their point that the applicant has no chance of being appointed as a Draughtsman. They have also pointed out that he is not eligible for the post of Tradesman 'B' (Tracer) which requires 2 years of experience in Drawing Office. Since the applicant does not have the Drawing Office experience he is not eligible for this post also.

4. We have examined the case and heard the learned counsel for both the applicant and the respondents. The applicant is not eligible for Draughtsman 'B' post. Depending upon the requirements of the various branches they had already filled up

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4 posts, 2 by S.C. and 2 by O.C. candidates. The branch to which the applicant belongs viz: Mechanical has already been filled up by 2 O.C. candidates. The only other vacancy in the cadre of Draughtsman is now earmarked for the S.T. candidate and in any case not in the Mechanical branch to which the applicant can aspire for. As for the Tradesman 'B' (Tracer)'s post, he does not have the basic qualification and is therefore not entitled to it.

5. In the result the application fails with no order as to costs.

(J.Narasimha Murthy)
Member(Judl).

(R.Balasubramanian)
Member(Admn).

Dated 7th August 90

Subj: J. Narasimha Murthy
For DEPUTY REGISTRAR (JUDL)

To

1. The Secretary, Govt.of Indai, Ministry of Labour & Rehabilitation, New Delhi.
2. The Secretary, Govt.of India, Atomic Energy, New Delhi.
3. The Secretary, Department of Atomic Energy, Old Yatcht Road Club, L.S.R.Marg, Bombay-39.
4. The Deputy Chief Executive (P&A) Department of Atomic Energy, Government of India, Hyderabad -72
5. The Administrative Officer, Nuclear Fuel Complex, Hyderabad.
6. The Manager, C.F.F.P.Nuclear Fuel Complex, Hyderabad.
7. One copy to Mrs. M.Vinoba Devi, Advocate
3-4-845/2, Barkatpura, Hyderabad - 27.
8. One copy to Mr.E. Madanmohan Rao, Addl.CGSC. CAT.Hyd.Bench.
9. One spare copy.
10. One copy to Mr.J.Narasimha Murty, Member(J) CAT.Hyd.Bench.
11. One copy to Mr.R.Balasubramanian, Member(Admn)CAT.Hyd.Bench.

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