IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.34/90.   Date of Judgement 2₀·\\·9₂—.

1. M.Nagaraju
2. M.Markandeyulu
3. D.Kannayya
4. B.Chandra Rao
5. K.Apparao
6. K.Srinivasa Rao   .. Applicants

        Vs.

1. The Min. of Defence,
   Govt. of India,
   Rep. by its Secretary,
   Secretariat, New Delhi.

2. The Chief Engineer,
   Southern Command, Pune.

3. The Chief Engineer,
   Vizag Zone, Dry Dock-9,
   IRSD Area, Kancharapelem Post,
   Visakhapatnam,
   Visakhapatnam District. .. Respondents

Counsel for the Applicants : Shri M.Jagannatha Rao for
                              Shri D.Linga Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr. CGSC

CORAM:

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

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

X Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) X

        This O.A. seeks a direction to the respondents to appoint
the applicants as Peons based on the select list and notified
vacancies after declaring illegal the impugned letter dt.28.11.&
cancelling the select list. Consequential benefits are also
asked for.

2.   The applicants were sponsored by the Employment Exchange,
Visakhapatnam for the posts of Peons. The applicants appeared
for the test and interview conducted. It is stated that they
were provisionally selected. They were asked to submit
attestation forms which they did. They were also asked if
they were willing to serve in Tamilnadu, Orissa and Maharashtra

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They conveyed their willingness, indicating the order of preference. Then came the cancellation dt. 28.11.89 of the provisional select list and hence this O.A.

3. The respondents oppose the O.A. and have filed a counter. They needed 75 Peons and after due formalities prepared a provisional/list with 91 names. The additional names were to meet any drop-outs from the main list of 75. When all the panelists could not be appointed, the respondents wanted to accommodate them in neighbouring States. A last date for receiving willingness was also indicated in the letter stating further that in case there was no response before the last date their names would be deleted from the provisional select list. It is stated that none of the applicants furnished the willingness. Accordingly the panel was cancelled under intimation to the panelists waiting. The Employment Exchange was also intimated with a request to enlist their names with the original seniority. It is further stated that due to imposition of ceiling on Peons' posts, there is a surplus of 21 Peons.

4. We have examined the case and heard the rival sides. The applicants rely heavily on the O.M. dt. 8.2.82 of the Dept. of Personnel contending that the respondents should first exhaust the panel in which their names figure and that it cannot be cancelled. We have carefully seen that memo. It is stated therein that there would be no limit on the period of validity of the select list to the extent of declared vacancies. Thus, this memo will be of help to the applicants only if their names are within the first 75 i.e., the declared vacancies. As seen from the counter, that is not the position. Since the respondents had accommodated the first 75 panelists, that select list had become extinct. The respondents, however, wanted to explore the possibilities to accommodate the surplus panelists in neighbouring States. While the applicants contend that they gave their willingness, the respondents deny the same.
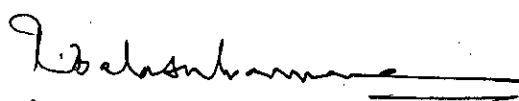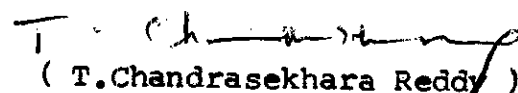
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Copy to:-

1. Secretary, Ministry of Defence, Govt. of India, Secretariat, New Delhi.

2. The Chief Engineer, Southern Command, Pune.

3. The Chief Engineer, Vizag zone, Dry Dock-9, IRSD Area, Kancharapalem post, Visakhapatnam, Visakhapatnam Dist.

4. One copy to Sri. D.Linga Rao, advocate, 1-1-256/10/c, Chikkadapally, Hyd.

5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.

6. Copy to Reporters as per standard list of CAT, Hyd.

7. One copy to Deputy Registrar(Judl.), CAT, Hyd.
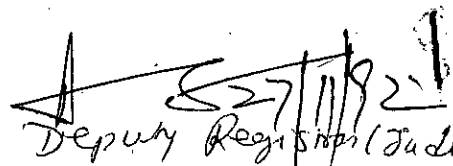
8. One spare copy.

Rsm/-

Since, no right as such has accrued to the applicants, we do not go into this aspect. Although the respondents indicated that if such willingness was not received before 10.9.85, the names will be deleted from the list, yet they kept the list open (as seen from their letter dt. 3.3.89 to the Employment Officer) perhaps, in the hope that they might be able to offer the jobs to the persons borne on the list beyond the declared number. When they realised that there was no chance, they intimated the Employment Officer vide their letter dt. 3.3.89 requesting him to reinstate the names of the applicants in the live register. The applicants have stated in the written arguments furnished that as a result of this belated intimation, they had lost considerable job opportunities elsewhere. The respondents cannot be faulted for this because even though there was no obligation cast on them, they fondly hoped that they might be able to accommodate the surplus select list. When the ceiling on the number of posts came in their way, they seem to have lost hope and cancelled the list intimating the Employment Officer beforehand. No right had accrued to the applicants and there is no question of the respondents violating any right. Hence, we see no scope to interfere and dismiss the application with no order as to costs.

(R.Balasubramanian)
Member(A).

(T.Chandrasekhara Reddy)
Member(J).

Dated: 20th November, 1992.

Deputy Registrar (Judl)

O.A.-3479

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CHECKED BY 30\11⁶92 APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
                                    M(JUDL)

AND

THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

Dated: 2₃/11/ -1992

ORDER/JUDGMENT:

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

in

O.A.No. 34/90.

T.A.No.   (wp.No   )

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A.Ordered/Rejected

No orders as to costs.

pvm