

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.478/90.

Date of Judgement 4-3-1993

G.Narasimha Reddy

.. Applicant

Vs.

1. The General Manager,
Security Printing Press,
Govt. of India, Mint Compound,
Hyderabad.
2. The Works Manager,
Security Printing Press,
Govt. of India, Mint Compound,
Hyderabad.
3. The Administrative Officer,
Security Printing Press,
Govt. of India, Mint Compound,
Hyderabad.
4. D.Sadanand
5. Ravi Kumar
6. G.Srinivasa Rao
7. B.Chandraiah

.. Respondents

Counsel for the Applicant : Shri A.Narayana Reddy

Counsel for the Respondents : Shri M.Keshava Rao, Addl. CGSC &
Shri N.Ram Mohana Rao for
Shri C.V.Mohan Reddy (for R4 to R7)

CORAM:

Hon'ble Shri Justice V.Neeladri Rao : Vice-Chairman.

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

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

This application has been filed by Shri G.Narasimha Reddy against the General Manager, Security Printing Press, Govt. of India, Mint Compound, Hyderabad & 6 others under section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to promote the applicant as Machine Minder Class-I (MM-I for short) on par with his juniors w.e.f. 30.9.88 with all consequential benefits.

2. The respondents issued a circular No.SPP/A-I/MM-I/88/246 dt. 13.4.88 calling for applications for appointment to a single post of MM-I under direct recruitment quota from amongst workmen holding certain qualifications. The petitioner applied

for appointment to the said post. He was not selected but instead one Shri B.Md.Ismail was appointed. Subsequently, in August, 1988 5 posts of MM-I are reported to have been advertised for. 2 of the 5 vacancies were said to be filled up by departmental promotion while the remaining 3 vacancies were, according to the applicant, to be filled up by direct recruitment. However, a written test was conducted in which the applicant appeared. It is stated that the results of the test for the applicant were not published and he was not called for interview. 2 of his juniors Shri D.Sadanand (R4) and Shri Ravi Kumar (R5) were promoted. The applicant alleges that subsequently another person Shri G.Srinivasa Rao (R6) was appointed as also Shri B.Chandraiah (R7). The applicant sees malafide intention on the part of the respondents in deliberately denying him his chance of promotion. Aggrieved, he has filed this O.A.

3. The respondents have filed a counter opposing the application. It is stated that R4 and R5 were appointed as MM-I out of 25 persons who had responded to the August, 1988 notification. There were only 2 posts out of which one was reserved for S.C. and they were filled up by direct recruitment quota as per draft recruitment rules. A written test was conducted and 25 eligible applicants including the applicant appeared. Out of this, the first 10 were called for interview and out of this 10, R4 was selected on the basis of merit and R5 was selected against a vacancy reserved for S.C.

As regards Shri G.Srinivasa Rao, he had appeared for a still higher post of Asst. Technical Officer (A.T.O. for short). Bas ^{interview and} on his performance in the ~~the~~ written test it was considered necessary to post him ^{only} in the lower post of MM-I. Since he had the requisite qualifications as per the draft recruitment rules for the post, MM-I, he was accordingly posted as MM-I. As regards Shri B.Chandraiah (R7), he was initially appointed as MM-I and was subsequently promoted as A.T.O. in 1983 against the reserved qu

Consequent to certain disciplinary action he was reverted to even MM-II post on 27.5.86 retaining his seniority in the MM-II post as per the disciplinary authority's order. Subsequently, on completion of the penalty period, he was appointed to MM-I post on 22.4.88 itself even before the applicant appeared for the required test. It is also contended that it is only necessary to intimate the persons who were successful in the test and the applicant having been unsuccessful in the test was not informed of his failure.

4. The private respondents have filed counters which are more or less on the same lines as the counter filed by the official respondents.

5. The applicant has filed a rejoinder which contains largely unsubstantiated allegations of malafides on the part of the ^{official} respondents.

6. We have examined the case and heard the rival sides. During the hearing, the learned counsel for the applicant furnished a statement wherein he had shown that the draft recruitment rules had been varying between April, 1988 and September, 1988. But this is done in respect of some other ^{the one before us.} categories and not in respect of I.T.I. category.

 The Government has got the powers to change the recruitment conditions to suit their needs and we cannot see any malafide intention in this. Even so, in respect of the category to which the applicant belongs there had been no change and the charge of malafide intention is ^{only} imaginary.

 We find from the notification of 20.9.88 that the number of posts announced were only "a few posts of MM-I". There was no ^{mention} of 5 posts of MM-I as contended by the learned counsel for the applicant. While so, the learned counsel for the applicant stated that in the counter at one place the respondents mentioned about 2 vacancies and in another place one more vacancy to accommodate Shri G.Srinivasa Rao. We do not find any inconsistency in the statement of the respondents

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To

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Govt.of India, Mint Compound,
Hyderabad.
2. The Works Manager,
Security Printing Press,
Govt.of India, Mint Compound,
Hyderabad.
3. The Administrative Officer,
Security Printing Press,
Govt.of India, Mint Compound, Hyderabad.
4. One copy to Mr.A.Narayana Reddy, Advocate,1-8-725/A/1
Nallakunta,Hyderabad.
5. One copy to Mr.M.Keshava Rao, Addl.CGSC.CAT.Hyd.
6. One copy to Mr.C.V.Mohan Reddy, Advocate,
1-10-249/2, Ashok Nagar Extn.■, Hyderabad.
7. One spare copy.

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because 2 vacancies have been used to fill up against direct recruitment quota and the third post which was available to them was utilised to accommodate Shri G.Srinivasa Rao (R6). We do not find any irregularity whatsoever in this method of filling up the vacancies. The applicant appeared for the test and could not even come within the zone of consideration. He can, therefore, have no grievance in R4 and R5 being selected. As for R6, this is within the ambit of recruitment rule and the applicant cannot have any grievance ~~on this score~~ more so when he would not have been selected even otherwise. As for utilising one post for Shri B.Chandraiah (R7), the whole episode of reversion and re-promotion had taken place even before the applicant appeared for the test for the first time. The applicant cannot, therefore, have any grievance on this score also.

7. The cause of action arose in September/October, 1988. The first ever representation was made by the applicant only on 8.2.90 and the O.A. was filed sometime in June, 1990. Between the cause of action and the filing of the O.A. there have been laches on the part of the applicant and the case is hit by limitation also.
8. Thus, both on merits and from the limitation aspect, the case is liable to be dismissed and is accordingly dismissed with no order as to costs.

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V. Neeladri Rao
(V. Neeladri Rao)
Vice-Chairman.

R. Balasubramanian
(R. Balasubramanian)
Member(A).

Dated: 4th March, 1993.

529/3/93
Deputy Registrar (S)

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TYPED BY

3 COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

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

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

THE HON'BLE MR.

DATE: 4-3-1993

~~ORDER~~/JUDGMENT:

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

in

N.A.No. 478/90

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

