

Before the hon'ble Central Administrative Tribunal,
at Hyderabad.

(Under section 19 of Administrative Tribunal Act (1985))

O.A.No. 485 of 1990

Between:

D.V.Sekhanna ... Applicants.

and

1. The Telecommunications District
Engineer, Kurnool-518 050.

2. The Deputy General Manager,
Telecommunications, Tirupati.

3. P.Safiullah Khan ^{Khan} s/o S.K.Hussain Khan,
aged about 32 years, c/o Tele-
communications District Engineer,
Kurnool.

... Respondents.

Details of application:

I. Particulars of the applicant:

i) Name of the applicant: D.V.Sekhanna

ii) Name of the father: D.V.Ramanna,

iii) Age of the applicant: 29 years,

iv) Designation and particulars of office (Name and Station) in which employed: Mazdoor, c/o Veldurti Telephone Exchange, Veldurti P.O. & Mandal.

v) Office address Veldurti Telephone Exchange, Veldurti P.O. & Mandal, Kurnool district.

vi) Address for service of Notices: K.Siva Reddy, Advocate, Advocate, 3-4-873/2, Barkatpura, Hyderabad.

II. Particulars of the respondents:-

1) The Telecommunications District Engineer, Kurnool-518 050.

2) The Deputy General Manager, Telecommunications, Tirupati.

3) P.Safiullah Khan s/o S.K.Hussain Khan, aged 29 years, c/o Telecommunications District Engineer, Kurnool.

Address for service of notices etc., on the respondents is the same as mentioned above.

2.

iculars of the order against which application is made:

The application is filed against the following Order:

No.E.32-3/Tribunal/90/89 dated @ KNL the 21.3.90

ii) Date: 21.3.1990

iii) The Divisional Officer (Engg),
Telecommunications, Kurnool.

iv) Subject in brief:

The present application is filed in not selecting the applicant to the training of Lineman vide order dated 21.3.1990 passed the Divisional Officer (Engg), Telecommunications dated 21.3.1990.

IV. Jurisdiction of the Tribunal: ~~Under Section 14(1)(c) of A.T.A. of 1985~~

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal. ~~Under Section 14(1)(c) of A.T.A. of 1985~~
~~since he is seeking employment in Telephones Dept., Kurnool.~~

V. Limitation:

The applicant further declares that the application is within the limitation as prescribed in Section 21 of the Administrative Tribunals Act, 1985. ~~since the impugned order is at 21.3.90~~

VI. Facts of the case:

i) It is submitted that the applicant was working as casual mazdoor since November, 1980 in the respondents organisation and his name was also sponsored by the Employment exchange.

ii) It is submitted that an action was initiated in the cadre of Lineman in the various sub-divisions of Kurnool, Telecommunications Engineering Divisions as well as in all other divisions of Telecommunications circle to recruit the staff required to fillup the vacancies. Consequent on to the respondent no.1 called

3.

for application from original casual mazdoors on 27.4.1983. The applications were to reach by 17.5.1983 for the test proposed to be conducted on 17.7.1983. After the written aptitude test, which ought to have been held on 17.7.83 was postponed and held on 24.7.1983, the first respondent and one Postal Superintendent together conducted aptitude test alongwith the S.D.O.T., Nanayyal. The 2nd respondent published the results on 26.12.1983 announcing a list of 23 candidates as selected. Thereafter first respondent published the same through his letter dated 16.1.1984. But said therein that the D.P.C. will be conducted in due course for final selections of the candidates. Applicants contended that candidates of all other divisions whose names were published in the 2nd respondent's letter dated 26.12.83 were given training and appointed as Lineman. However the first respondent did not send the qualified persons for training. On 6.4.1984 the union raised the demand to enable lineman selected to consumence training. The respondents have failed to take any action on the demand of the union.

iii) It is submitted that aggrieved by the inaction of the respondents, the applicant alongwith other 8 persons filed a C.A.No. 614 of 1987. The same was allowed by this Hon'ble Ct. Tribunal on 6.6.1989. The Hon'ble Tribunal has observed categorically "Thus under the rules and the instructions it was incumbent on the 1st respondent to declare a select list comprising of 20 names and taken the select list valid till all the candidates were appointed..." It is further observed that:

"The respondents are direct to complete the select list upto the number of 20 vacancies as notified by considering the applicants herein and if there is nothing

adverse which renders them ineligible for inclusion in the select list, they shall be included in the select list and appointed as Lineman in Kurnool Sub-Division against future vacancies which have arises after October 1986 with these directions the application is allowed".

Thus it could be seen that the contention of the tribunal was that whose names were there in the list their names should be included in the select list. The rights of the parties have already settled by this Hon'ble Tribunal. The inclusion of names in the select list is a procedural part and verification of the adverse remarks.

iv) It is respectfully submitted that the applicant was fully qualified and passed in, written and aptitude tests. The applicant put in 614 days service. After the receipt of the judgment, the applicant alongwith other applicants therein filed all documents before the respondents herein. The respondents failed to takeup any further action. Surprisingly, a list of candidates selected provisionally by the D.P.C. vide Memo.No.E-32-3/Trbnl/90/51 dated 8.1.1990 from the office of the 1st respondent hwherein the applicants name was not found. The 3rd respondent who is having less service than the applicant, name was there and he is admittedly juniors to the applicant. The applicant made a representation to the first respondent replied on 8.2.1990 that the case of the applicant was under examination and also admitted by him that the applicant has filed the Xerox copies of the day sheets. On 21.3.1990, the respondent No.1 herein informed the applicant that an order passed by third respondent dated 14.3.1990 stating that my request for final list cannot be acceded since the letter from Accounts

Officer, Mahaboobnagar was brought lately.

v. It is humbly submitted that the applicant is a poor man. The administrative delay caused by the Accounts Officer, Mahaboobnagar, cannot be attributed to the applicant. Infact, the applicant has already submitted all relevant papers to the 1st respondent alongwith other applicants in earlier case. The first respondent in order to help his persons who is juniors to me has misplaced my papers. The third respondent is related to the first respondent. The applicant case shall be considered otherwise he will be put to irreparable loss. It is further submitted that the rights of the applicant was already settled by this Hon'ble Tribunal in O.A.61~~8~~/87.

vi. It is further submitted that the respondents have initiated not ~~initiated~~ any action after the judgment in O.A.No.61~~8~~/87. It is the duty of the respondent to verify all the documents, which are under the custody of their department. Further the applicant was never called for to produce the same and the applicant was ever placed before the D.P.C. for selection. The respondents are deliberately misconstrued the orders of the tribunal. The selected candidates were not yet sent for training and they are sending on 1.7.1990.

Details of remedies exhausted:-

The applicants that there is no other alternative and ~~effective~~ efficacious remedy except to approach this Hon'ble Tribunal as the orders in final passed by the authorities on 21.3.1990.

All Matters not previously filed or pending with any other Court:-

The applicant further declares that he had not

6.

previously filed any application, writ petition or suit reading the matter in respect of which application has been made, before any court of law or any other authority or any Bench of the Tribunal and nor any such application writ petition or suit is pending before any of them.

Reliefs sought:

Main Relief:

(A) In view of the facts mentioned above, the applicant in this O.A. is questioning the action of the respondents in not considering the case of the applicant for appointment in accordance with the judgment of this hon'ble Tribunal in O.A.No.618/87 dated 6.6.1989 and discriminating the case of the applicant alone is arbitrary, illegal and violative of Article 14 and 16 of the Constitution of India and the applicant hereim prays that a direction may be given to respondents 1 and 2 to appoint the applicant forthwith and send him for training and further prays to set-aside the order E-32-3/Trbnl/90/5 dated 8.1.1990 wherein the respondent No.3 was selected and 21.3.1990 order wherein request of the ^{applicant} ~~respondent~~ is rejected by the respondents and grant such other reliefs as it deems fit and proper in the circumstances of the case.

Interim Relief:
(B) Pending the disposal of O.A., the applicant prays that this hon'ble Tribunal be pleased to suspend the order in Memo.No.E-32-3/Trbnl/90/51 dated 8.1.1990 to the extent of respondents 3 or alternatively a direction be given to respondents 1 and 2 to send the applicant for training alongwith other persons on 1.7.1990 and grant such other reliefs as it deems fit and proper in the circumstances of the case. ^{as far as the applicant will be put to irreparable loss and danger}

Particulars of Bank Draft/Postal order in respect of application fee:-

1. Name of the Bank on which drawn

7.

2. Demand Draft No.

or

1. Number of Indian Postal order(s) 801 599 202
2. Name of the issuing Post Office: Extension Counter
High Court, Hyderabad.
3. Date of issue Postal Order: 15-6-90
4. Post Office at which payable: GPO, Hyderabad.

List of Enclosures:

P.O./B.C./B.D./Removed

1. Memo dated 8.1.1990.
2. Memo dated 8.2.1990
3. Representation of the applicant dated 27.1.1990.
4. Impugned order dated 21.3.1990
5. Order passed in O.A.No.610 of 1987.

H. V. Jreddy
Counsel for the ~~applicant~~.

D. V. Shekanna
Applicant.

Verification.

D. V. Shekanna ^{Age 29 years}
I, the abovenamed applicant do hereby declares that what I have stated in the above O.A. is true to the best of my knowledge, belief and information and I have not suppressed any material facts in the above O.A. Hence, verified on this the 14th day of June, 1990 at Hyderabad.

15-6-90.

D. V. Shekanna
Applicant.