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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH AT : HYDERABAD

O. A.No.498/90

Date of Order: 6.7.1990

BETWEEN

N. Abbas Ali Khan,
S/o Sri Jaffar Khan,
Aged about 26 years,
Adoni, Kurnool Dist.

.. Applicant

Versus

1. The Collector of Central
Excise & Customs,
C. R. Building, LB Stadium,
Basheerbagh, Hyderabad.

2. The Superintendent of
Central Excise, Adoni Range,
Kurnool Dist.

.. Respondents

APPEARANCE

For the Applicant : Shri G. Bikshapathi, Advocate
N. Bhaskara Rao
For the Respondents : Shri E. Madan Mohan Rao,
Addl. Central Govt. Standing
Counsel

CORAM

HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

HON'BLE SHRI D. SURYA RAO, MEMBER (JUDICIAL)

(Judgement of the Bench delivered by Hon'ble Shri B.N.
Jayasimha, Vice Chairman)

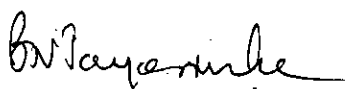
The applicant herein is a former Sweeper-cum-Water
Carrier in the office of the second respondent. He states
that he was appointed as such w.e.f.1.2.1984 and he worked

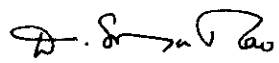
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continuously without break upto 1⁴(2)'89. He made an application dt.28th Sept.87 to the first respondent stating that as per Ministry of Home Affairs O.M. No. 14/1/68-Estt.(C) dt.12.2.69 a casual employee is eligible for the post of Sepoy if he has put in 240 days service in a year for two consecutive years. He prayed that he should be regularly appointed as Sepoy as he had put in 3 years service by that date. The applicant states that instead of disposing ^{of} his representation, his services were terminated. The applicant states that he came to know that the respondents are taking steps to recruit outsiders for the post of Sepoy. He apprehends that his application dt.28.9.87 may not be considered by the respondents while filling up the post of Sepoy. He has therefore filed this application seeking a direction to the respondents to appoint him as Sepoy in terms of the Ministry of Home Affairs O.M. No.14/1/68-Estt.(c) dated 12.2.69.

The matter has come up for admission. We have heard Shri G. Bikshapathi, learned counsel for the applicant and Shri Naram Bhaskara Rao, Addl. Standing Counsel for the respondents who has taken notice on behalf of the respondents. Shri Bikshapathi's main contention is that while considering the others for the appointment for the post of Sepoy, the case of applicant may not be considered by the respondents, although he had submitted ^{an} application wayback in 1987. He contends that the applicant is eligible to be considered for the post of Sepoy in terms of Ministry of Home Affairs

O.M. No. 14/1/68-Estt.(C) dt.12.2.69 since his services have been terminated on 1.4.1989. After hearing both sides, we find that the applicant is entitled to be considered along with others in terms of the Ministry of Home Affairs O.M. dt.12.2.1969. Accordingly we direct the respondents to consider the case of the applicant in terms of the Ministry of Home Affairs O.M. No.14/1/68-Estt.(C) dt.12.2.69 referred to above along with the other eligible candidates, while filling up the posts of Sepoy in the office of the second respondent. With these directions the O.A. is disposed off. No orders as to costs.


(B.N. JAYASIMHA)
VICE CHAIRMAN


(D. SURYA RAO)
MEMBER (JUDICIAL)

Dictated in the Open Court
Dt.6th July, 1990


FOR DEPUTY REGISTRAR (J) 16/7/90

To

1. The Collector of Central Excise & Customs, C.R. Building, L.B. Stadium, Basheer Bagh, Hyderabad.
2. The Superintendent of Central Excise, Adoni Range, Kurnool District
3. One copy to Mr. G. Bikshapathi, Advocate, Race Course Road, Old Malakpet Hyderabad.
4. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
5. One spare copy.

PSB last
16/7/90

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA:V.C.

AND

THE HON'BLE MR.D.SURYA RAO:MEMBER(JUDL.)

AND

THE HON'BLE MR.J.NARASIMHAMURTHY:M(J)

AND

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

✓ DATE : 6.7.90

ORDER / JUDGMENT

C.A./R.A./C.A./No. _____ in

N.A.No. _____

W.P.No. _____

✓ D.A.No. 498/90.

Admitted and Interim directions Issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

✓ Dismissed. *at the order of the Bench*

Disposed of with direction.

M.A. ordered/Rejected.

No order as to costs.

