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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.499 of 1990

Date of order: 6th July, 1990

BETWEEN:

1. Laxman Mane, s/o Balaram, Driver
2. Rajkumar, s/o Mohanlal "
3. O.Yadaiah, s/o O.Balaiah "
4. Anand, s/o Shivraj "
5. S.A.S.Raju, s/o S.Asirvadam, Technician
6. K.Johan, s/o K.Yesu Driver
7. D.Prabakar, s/o Yeasop "
8. K.Raman, s/o Kanniappan "
9. B.Pulliah, s/o B.Nagaiah "
10. K.L.Narasimha, s/o K.Pentiah "
11. P.Rangaiah, s/o P.Sayanna "
12. B.Uttam Kumar, s/o B.Ganesh "
13. B.S.N.Reddy, s/o B.Venkata Reddy, Driver
14. S.Subramanyam, s/o S.Ramaswamy "
15. B.Dasharatha, s/o B.Papaiah " .. Applicants
(All are Ex-servicemen and working on daily wages in
and DRDL, Hyderabad.)

1. Union of India Represented by the Secretary,
Ministry of Defence, Govt. of India,
New Delhi
2. The Director, Defence Research & Development
Laboratories (D.R.D.L), Research Centre, Imarat
(R.C.I) Hyderabad.
3. Joint Controller of Defence, Accounts (R&D)
(D.R.D.L) Premises, Kanchanbagh, Hyderabad.

.. Respondents

For Applicants: Mr. G.Shankar, Advocate

For Respondents: Mr. E.Madan Mohan Rao, Addl. CGSC

CORAM: Hon'ble Shri B.N.Jayasimha, Vice Chairman
Hon'ble Shri D.Surya Rao, Member (Judl.)

THE TRIBUNAL MADE THE FOLLOWING:

contd....

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ORIGINAL APPLICATION NO.499 of 1990

JUDGMENT OF THE DIVISION BENCH DELIVERED BY ~~MR~~ HON'BLE
SHRI D.SURYA RAO, MEMBER (JUDL.)

The applicants herein who are working as Drivers/Technicians (casual labour on daily wages) in the DRDL, Hyderabad have filed this application praying that a direction be issued to the 2nd respondent to consider the case of the applicants and absorb them in the cadre as Drivers/Technicians on permanent basis. It is alleged that the applicants have been engaged as Drivers/Technicians on casual basis between March 1987 and January 1990. The applicants state that they reliably understand that the 2nd respondent is going to appoint new candidates in permanent posts in the near future. In the past also the 2nd respondent appointed fresh candidates in regular posts without absorbing temporary staff. Despite representations to the 2nd respondent to absorb the applicants, they have not so far been absorbed. The applicants contend that preferring new or fresh candidates ignoring the service of the applicants for permanent appointment is violative of Articles 14 and 16 of the Constitution. For these reasons, the application has been filed.

2. We have heard the learned counsel for the applicants, Shri G.Shankar and the learned counsel for the respondents, Shri E.Madan Mohan Rao, Addl. CGSC who on our direction took notice on behalf of the respondents. It is now stated that the respondents have called the names from

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To

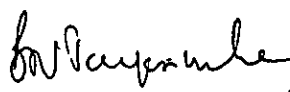
1. The Secretary, Ministry of Defence, Govt. of India,
New Delhi.
2. The Director, Defence Research & Development Laboratories,
(DRDL), Research Centre, Imarat (RCI), Hyderabad
3. The Joint ~~Ex~~ Controller of Defence, Accounts (R&D),
D.R.D.L. Premises, Kanchanbagh, Hyderabad.
4. Shri G.Shankar, Advocate, 92, MIGH, New Santoshnagar
Colony, Hyderabad
5. Shri E.Madan Mohan Rao, Addl. CGSC., C.A.T., Hyderabad
6. One spare copy.

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the Employment Exchange and ^{are} considering the names sponsored by the Employment Exchange for filling up the posts on regular basis in accordance with the rules. The contention of Shri Shankar is that the applicants by virtue of their casual appointment should be first absorbed before considering the outsiders. We are unable to accept this contention. The applicants have been sponsored by the Zilla Sainik Welfare Officer and they could claim preferential claim in respect of the posts reserved for Ex-servicemen only, but they cannot claim any preference over the posts available to other categories. The normal recruitment for filling the posts is on the basis of the names sponsored by the Employment Exchange. We therefore see no merit in the contention of the ~~applicants~~ learned counsel for the applicants that the applicants should be absorbed regularly in all the vacancies. However, having regard to the fact that they have been working as casual Drivers/Technicians they should also be allowed to compete ⁱⁿ with the test and interview and in the event of their being found fit, they should be absorbed according to their placing in the selection subject to their eligibility in accordance with the

3. With these directions, the application is
There will be no order as to costs.

(Dictated in the open Court).


(B.N. JAYASIMHA)
Vice Chairman


(D.S.
Mem

Dated: 6th July, 1990.

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

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

L.A.No. _____ W.R.No. _____

D.A.No. 499 / 90

Admitted and Interim directions Issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A.ordered/Rejected.

No order as to costs.

