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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 912/90.

Dt. of Decision:11-3-91.

G.Satyanarayana

...Applicant

Versus

1. The Government of India,
Rep. by its Secretary,
Ministry of Labour & Rehabilitation,
New Delhi.
2. Government of India, rep. by its Secretary,
Atomic Energy, New Delhi.
3. The Secretary, Department of Atomic Energy,
Old Yacht Road Club, LSR Marg, Bombay-39.
4. The Deputy Chief Executive (P&A)
Department of Atomic Energy,
Government of India, Hyderabad-500 762
5. Sri V.Venkateswara Rao, Draughtsman,
N.G.C., Moulali, Ranga Reddy District.

...Respondents

Counsel for the Applicant : M/s M.Vinobha Devi &
G.Rajani

Counsel for the Respondents : Shri Naram Bhaskar Rao, Addl.CGSC

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

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

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

This application is from an un-employed
Draughtsmen. He has filed this application aggrieved by
the action of the Respondents 2 to 4 in filling-up ~~of~~ the
posts of Draughtsmen 'A' (Mechanical) without notifying
the said vacancies and without following the procedure
prescribed.

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2. The applicant states that after passing Intermediate examination, he also passed the ITI during the period 1983-85. In pursuance to the notification issued by the 3rd respondent calling for Apprenticeship posts, the applicant and two others submitted applications. The applicant was selected as an apprentice and he completed the same during the period from 3-6-1986 to 2-6-1987. Thereafter he was appointed as a Draughtsman on casual basis and he worked in the said post from 6-6-1987 to 27-12-1989 without any break. On 18-6-1988 the respondents issued a circular notifying two vacancies of Draughtsman (Mechanical). It was mentioned therein that if the candidates are not found suitable for appointment to the post of Draughtsman 'B' they will be considered for the lower post of Draughtsman 'A'. The applicant applied for the said post and he was not considered for the same as he ~~had~~ ^{did} not possess the prescribed experience. The 5th respondent, who was sponsored by the employment exchange was considered and included in the panel. However, the panel was not operated as the vacancy was reserved for an SC candidate. Subsequently 5th respondent was appointed on an adhoc basis as Draughtsman 'A' i.e. to the next lower post. The contention of the applicant is that the post of Draughtsmen 'A', should have been filled by calling fresh applications from all eligible persons and not filled from the panel prepared for the posts of Draughtsman 'B', in the year 1988.

3. The respondents 1 to 4 in their reply state that as the NFC did not have a panel for the post of Draughtsman 'A' (Mechanical) and as there was immediate need in the Users Sections, it was decided to operate the panel of Draughtsman 'B' for filling the post of Draughtsman 'A' waiving the recruitment formalities. Following this, 5th respondent was appointed on an adhoc basis as Draughtsman 'A'.

4. We have heard Smt. M. Vinobha Devi, learned counsel for the applicant and Shri Naram Bhaskar Rao, learned standing counsel for the Respondents 1 to 4, Shri G. Bikshapathy, learned counsel for the 5th Respondent. Shri Bikshapathy states that the applicant is not qualified at all for inclusion in the panel for Draughtsman 'B' as he does not possess the required experience of five years. There is therefore nothing illegal in the adhoc appointment of the 5th respondent as Draughtsman 'A' on the basis of his inclusion in the panel for the post of Draughtsman 'B'.

5. We have considered these submissions. On a consideration of the facts, we see no illegality in the appointment of the 5th respondent on an adhoc basis as Draughtsman 'A' pending regular appointment after following the regular procedure of calling for applications and thereafter making the selections. The main grievance of the applicant is if the services of the 5th respondent is regularised as Draughtsman 'A', based on his adhoc appointment, applicant will not have any chances of being considered for the said post. As vacancy in the post of Draughtsman 'A' **** * - **** * ****

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To

1. The Secretary, Govt. of India,
Ministry of Labour & Rehabilitation,
New Delhi.
2. The Secretary, Govt. of India,
Atomic Energy, New Delhi.
3. The Secretary, Dept. of Atomic Energy,
Old Yacht Road Club, LSR Marg, Bombay-39.
4. The Deputy Chief Executive (P&A) Dept. of Atomic Energy,
Govt. of India, Hyderabad 762
5. One copy to Mr. G. Bikshapathy, Advocate, CAT. Hyd. Bench-
Ms. 16-4-1491/41 Race Course Road Old Market Hyderabad - 500036.
6. One copy to Mr. M. Vinoba Devi & G. Rajani, Advocates,
3-4-845/2, Barkatpura, Hyderabad.
7. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.
8. One spare copy.

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arose in the year 1990, he had acquired the necessary qualification of five years experience by that time. If the respondents 1 to 4 notify the vacancy and consider all the eligible candidates, he would be entitled to be considered as he fulfills all the required qualifications. We find considerable merit in this submission. While there is no objection to the adhoc appointment of the Respondent No.5 as Draughtsman 'A', regularising his services as such without notifying the vacancy would be violative of Article 16. In the circumstances, we direct the respondents 1 to 4 to take expeditious action for notifying the vacancies/vacancy in the post of Draughtsmen 'A' and thereafter proceed to fill the post in accordance with the recruitment rules after considering all the eligible persons who may apply for the same.

6. Accordingly application is disposed-of with these directions. No order as to costs.

B.N.Jayasimha
(B.N.JAYASIMHA)
Vice-Chairman

D.Surya Rao
(D.SURYA RAO)
Member (J)

Dated: 11th March, 1991.
Dictated in Open Court

Deputy Registrar

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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

THE HON'BLE MR.D.SURYA RAO : M(J)
AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)
AND

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

Dated: 11 - 3 - 1991.

ORDER / JUDGMENT:

M.A./R.A. / C.A. NO.

in

T.A. No.

W.P. No.

O.A. No. 912/90

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

