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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

...

O.A.No. 920 of 1990

Dt. of Decision: 5th Dec., '90

Between:-

1. M. Ramesh

2. D. Shanker

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Applicants

and

1. The Regional Provident Fund
Commissioner, A.P., Barkatpura,
Hyderabad.

2. The District Employment Officer,
(Labour), Hyderabad.

..

Respondents

Appearance:

For the Applicants : Shri D.P.Kali, Advocate.

For the Respondent : Shri G. Parameswara Rao, Standing
No.1 : Counsel for Central Govt.

For the Respondent : Shri D. Panduranga Reddy,
No.2 : Special Counsel for State Govt.

CORAM:

THE HONOURABLE SHRI B.N. JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D. SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MEMBER (J))
SHRI D. SURYA RAO

1. The applicants herein, who are two in number, have filed this application stating that they have got their names registered in the District Employment Exchange, Hyderabad, on different dates between the years 1981 and

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1983. They allege that the 1st respondent by a notification No.AP/Admin/II/Messenger/RD/90/449/565, dated 21.5.1990 notified vacancies of the posts of Messenger in his office and called upon the 2nd respondent Employment Exchange i.e. the District Employment Officer (Labour), Hyderabad, to sponsor candidates. They allege that though their names are continued on the live register of the Employment Exchange (Labour), the 2nd respondent has sponsored some names ignoring the seniority of the applicants. The other contention raised is that the posts of Messengers are exempted categories being unskilled in nature and that it is not necessary for the 1st respondent to notify the vacancies to the 2nd respondent. For these reasons it was prayed that the 1st respondent may be directed to consider the cases of the applicants for the posts of Messengers alongwith the candidates sponsored by the Employment Exchange, i.e. 2nd respondent.

2. On behalf of the 1st respondent a counter has been filed stating that pursuant to the notification No.AP/Admin./II/Messenger RO/90/449/565, dated 21.5.1990, the 2nd respondent i.e. the District Employment Officer (Labour), Hyderabad, sent a list of 20 candidates. It is further stated that according to the instructions contained in Chapter IV of the Hand Book for Personnel Officers published by the Department of Personnel and Administrative Reforms, New Delhi, all vacancies in Class-IV meant for direct recruitment, are required to be filled by candidates sponsored by the Employment Exchanges. Since the vacancies have been notified to the Employment Exchange, there is no illegality in the procedure adopted by the 1st respondent. As the applicants

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were not sponsored by the Employment Exchange, they were not entitled to be considered. For these reasons the respondents pray that the application may be dismissed with costs.

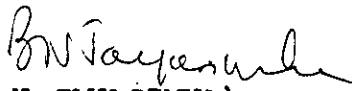
3. We have heard the arguments of Shri D.P.Kali, learned Counsel for the applicants, Shri G.Parameswara Rao, learned Standing Counsel for 1st respondent and Shri D.Pandu Ranga Reddy, learned Special Counsel for the State Government on behalf of respondent No.2.


4. Shri D.Pandu Ranga Reddy, learned Special Counsel for the State Government, has relied upon the parawise remarks supplied by the 2nd respondent in regard to the above O.A. and made available a copy thereof to the learned Counsel for the applicants. It has been denied by Shri Pandu Ranga Reddy that candidates juniors to the applicants were sponsored. On the other hand it is asserted that persons, who had registered prior to 18-7-1977 had been sponsored by the 2nd respondent for appointment to the posts notified by the 1st respondent. The list of 20 persons, who were so sponsored, with dates of their registration in the Employment Exchange has also been furnished by him. Both the applicants herein have registered with the Employment Exchange only after 1981. It is clear, therefore, from the particulars furnished by Shri D.Pandu Ranga Reddy that none of the applicants is senior to the persons sponsored by the Employment Exchange. Therefore, their grievance that they are seniors to the persons sponsored by the Employment Exchange is without substance. In regard to the plea that the 1st respondent should not have asked the 2nd respondent to sponsor candidates since the posts are Class-IV posts, we are of the opinion that there is no substance therein. In the

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case between Union of India & others vs. N.Hargopal & others, (A.I.R. 1987 S.C. 1227) the Supreme Court has held that where instructions have been issued by the Government of India, that vacancies should be filled up from among the candidates sponsored by the Employment Exchange. The said instructions are not violative of Articles 14 and 16 of the Constitution. In the instant case admittedly there are instructions of the Government of India as referred to in the Counter filed on behalf of respondent No.1 that all Class-IV posts should be filled in from among the candidates sponsored by the Employment Exchange. Therefore, the contention of the applicants that the 1st respondent should not have notified the vacancies to the Employment Exchange is rejected.

5. For the reasons given above, the application is without merits and is accordingly dismissed. No order as to costs.


(B.N.JAYASIMHA)
VICE-CHAIRMAN


(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 5th December 1990


(Deputy Registrar (J))

- To
1. The Regional Provident Fund
Commissioner, A.P., Barkatpura,
Hyderabad.
 2. The District Employment Officer,
(Labour), Hyderabad.
 3. One copy to Shri D.P. Kali, Advocate,
2-2-1164/15/B, Tilaknagar, Hyderabad.
 4. One copy to Shri G. Parameswara Rao, SCSSO, AG
 5. One copy to Shri D. Panduranga Reddy, SCSSG,
Special Counsel for State Govt.
 6. One Spare Copy.

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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 : M(J)
AND

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

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

DATE: 24-9

5/12/90

~~ORDER~~ / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No.

920/90.

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.

