

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

OA No.925/90.

Date of Judgment:30-11-90.

S.B.Shiva Shanker

...Applicant

Vs.

1. The General Manager,
Telecommunication Department,
Hyderabad District, Hyderabad.
2. The District Employment Officer, (Tech),
Musheerabad, Hyderabad.

....Respondents

Counsel for the Applicant : Shri Shaikh Shah Ali

Counsel for the Respondents : Shri E.Madan Mohan Rao, Addl.CGSC
Shri D.Panduranga Reddy, Spl.
Counsel for AP State. *See R-2*

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 D.Surya Rao, Member (J))

The applicant herein contends that Respondent No.1
had notified that there are vacancies ~~to~~ the posts of Drivers
in the 1st Respondents organisation and asked the 2nd respon-
dent to sponsor the names of the eligible persons. He states
that he has registered in the Employment Exchange in the year
1990. The applicant further states that he also passed 8th
class and he ~~is~~ ^{was a} Heavy Motor Vehicle Driver's ~~and a~~ ^{license and is a} Mechanic.
He states that since he is better qualified than the others ^{sponsored by the Employment Exchange}
~~he seeks~~ ^{he issued to the respondents} a direction to allow him to take test/interview/
selection for the post of Driver without insisting upon his
name being sponsored by the Employment Exchange.

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(13)

2. We have heard Shri Mohammed Fhazlullah, Advocate for Shri Shaik Shah Ali, counsel for the applicant, Shri E.Madan Mohan Rao, Additional Standing Counsel for the Respondent No.1 and Shri D.Panduranga Reddy, special counsel for A.P.State for Respondent No.2. Shri Panduranga Reddy, Counsel for the 2nd respondent states that the applicant had registered himself with the employment exchange very recently in the year 1990 and that the Employment Exchange had sponsored the names of the persons according to seniority. Counsel for the applicant submits that under Rule 9 of the Chapter 9 of the Employment Manual, the 2nd respondent is liable to make a list and send the best qualified persons irrespective of whether they are employed or un-employed through among equally qualified persons preference should be given to the unemployed. He contends that irrespective of the date of registration an assessment should be made by the employment officer and he should sponsor only the best qualified persons. We are unable to agree with this contention. The employment exchange sponsors the names of the qualified persons who fulfill the qualifications laid down by the Employer according to seniority dependant upon the date of registration. The Employment Exchange will not make any selections themselves. The question as to who is

contd../..

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best qualified is to be determined by the 1st respondent only and but by the 2nd respondent. In the circumstances we see no merits in the application. Accordingly application is dismissed. No order as to costs.

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

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

Dated: 30th November, 1990.
Dictated in Open Court.

avl/

E. V. S. S. S. S. S.
for DEPUTY REGISTRAR
(JUDL).

To

1. The General Manager,
Telecommunication Department,
Hyderabad District,
HYDERABAD.
2. The District Employment Officer,
(Tech), Musheerabad,
HYDERABAD.
3. One copy to Mr. Sheik Shah Ali, Advocate,
H.No.3-2-763, Kachiguda, HYDERABAD.
4. One copy to Mr. E. Madanmohan Rao, Addl. CGSC,
CAT, Hyderabad.
5. One copy to Mr. D. Panduranga Reddy, Spl. counsel
for A.P., CAT, Hyderabad.
6. One spare copy.

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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~~ 30.11.90.

ORDER / JUDGEMENT:

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

~~T.A. No.~~

~~W.P. No.~~

O.A. No.

925/90.

~~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.~~

