

62

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.947/90

date of decision : 17-6-1993

Between

S. Jayashri Naidu, and  
K. Srinivas Singh : Applicants

and

1. The Ordnance Factory Board  
Min. of Defence, Govt. of India  
rep. by the Secretary  
10/A, Auckland Road  
Calcutta 700 001

2. The General Manager  
Ordnance Factory Project  
Min. of Defence,  
Govt. of India  
Yeddumailaram  
Dist. Medak 502205 : Respondents

Counsel for the applicants : Y. Suryanarayana, Advocate

Counsel for the respondents : N.V. Ramana, Addl. SC for  
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri Y. Suryanarayana, learned counsel for the  
applicant and Sri N.V. Ramana, learned counsel for the  
respondents.

X  
2. Respondent-2 issued requisition dated 8-4-1989 to  
the Employment Exchange, Sangareddy, to sponsor candidates  
for the post of Supervisor(Technical/DPS) in the pay scale

TSR

43

of Rs.1400-2300. The Employment Officer sponsored the candidates in two batches. From out of the candidates in the first batch six were selected and they were appointed for the above posts. These two applicants were amongst those who were sent in the second batch. They were selected. But when they were not given orders of appointment, this OA was filed praying for a direction to the respondents to issue orders appointing the applicants.

3. These applicants were interviewed on 7-10-1989. By Gazette notification No.13E and 14E dated 4-5-1989, the recruitment rules were amended. As per the amended rules, the upper age limit is 25 years. It is not in dispute that these two applicants were aged more than 25 years when they were sponsored by the Employment Exchange. They were sponsored by the Employment Exchange in pursuance of letter dated <sup>8-4-</sup>~~25-8-1989~~ <sup>the</sup> the upper age as per preamended rules was 35 years. It is now well established that the rules which were in existence as on the date of initiation of the recruitment process are applicable and the amended rules if any during the pendency of recruitment do not apply for such recruitment, vide AIR 1983 SC 852 (Y.V. Rangaiah & others vs. J. Srinivasa Rao) and AIR 1990(14) ATC 688 (N.T. Devin Katti and others Vs. Karnataka Public Service Commission and others).

4. It is stated for the respondents that there is now ban for appointment to the Supervisor Technical posts. But the applicants were selected even before the said ban had come into effect, and the applicants should not be asked to suffer when the concerned authority had not issued the order of appointment without any justifiable reasons. Hence, Tribunal had to consider the circumstances which existed

22/10/89

Copy to:-

1. Secretary, The Ordnance Factory Board, Ministry of Defence Govt. of India, 10/A, Auckland road, Calcutta-001.
2. The General Manager, Ordnance Factory Project, Ministry of Defence, Govt. of India, Yeddumailaram, District Medak-205.
3. One copy to Sri. Y. Suryanarayana, advocate, 40 MIGH, Housing Board colony, Mehdiapatnam, Hyderabad-28.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One spare copy.

6. one copy to library.

Rsm/-

452 final  
page 22  
7.6.93

(44)

before the ban had come into force. Hence, the necessary direction had to be given for issual of the appointment orders.

5. But it is said for the R-2 that the select list containing the names of the applicants and ~~those who were not approved~~ <sup>others who</sup> ~~was cancelled~~ by him (R-2) in view of the "irregularities" brought to his notice regarding conducting of interview. The record that is produced merely contains the following endorsements by R-2 :

"In view of the irregularities brought to the notice of the undersigned regarding conducting of the interview, the list is not approved."

But it does not disclose as to what are those irregularities. When every act of the authority which is having civil consequences is <sup>subject</sup> ~~sought~~ to judicial review, it is necessary to maintain the record so as to enable the Court/Tribunal to scrutinise. <sup>it</sup> ~~if~~ the irregularities are brought to the notice <sup>in writing,</sup> ~~on the basis of the records,~~ the same had to be preserved. <sup>if it</sup> ~~is~~ <sup>on</sup> ~~is~~ the basis of oral information, the same had to be reduced to writing. In this case it is not clear as to whether the information is oral or in writing. Be that as it may, there is no material except the assertion about the alleged irregularities. Hence, we are constrained to observe that the alleged irregularities are not established for disapproving the select list.

6. Hence, R-2 <sup>is</sup> ~~had to be~~ directed to issue orders of appointment to the applicants who are selected to the posts of Supervisor (Tech)/DPS.

7. This order has to be implemented within three months from the date of receipt of this order. OA is ordered accordingly. No. costs.

*P.J. Thiruvengadam*  
(P.J. THIRUVENGADAM)  
Member (Admn.)

*V. Neeladri Rao*  
(V. NEELADRI RAO)  
Vice-Chairman

Dated : June 17, 93  
Dictated in the Open Court

23/6/93  
By Registrar (Jt. Secy)

0A-947/90

TYPED BY

COMPAREL BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. *P. Thiruvengadam.*  
~~R. BALASUBRAMANIAN~~ :M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY  
:MEMBER(J)

AND

THE HON'BLE MR.

DATE: 17/6/-1993

ORDER/JUDGMENT:

~~R.P./C.P/M.A. No.~~

~~C.A. No.~~

in  
947/90

~~T.A. No.~~ (W.P. No.)

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

