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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 59 of 1990

DATE OF JUDGMENT: 27-12-1990

BETWEEN:

Mr. D. Satyanarayana

.. Applicant

AND

1. The Government of India, represented by its Secretary to the Government, Ministry of Defence, Dept. of Productions, New Delhi-11.
2. The Ordinance Factory Board represented by its Secretary, Ordinance Factory Board, Calcutta 1.
2. The General Manager, Ordinance Factory Project, Yeddumailaram, Medak District.

.. Respondents

FOR APPLICANT: Mr. G. Bhikshapathy, Advocate

FOR RESPONDENTS: Mr. E. Madan Mohan Rao, Addl. CGSC

CORAM: Hon'ble Shri J. Narasimha Murthy, Member (Judl.)
Hon'ble Shri R. Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J. NARASIMHA MURTHY, MEMBER (JUDL.)

This is a petition filed by the petitioner to call for the records relating to letter No. 09122/Admin/OFFPM/89 dated 27.2.1989 issued by the 3rd respondent and

consequential order No.09122/Admin/OFPM dated 16.3.1989 of the 3rd respondent and quash the same as illegal and arbitrary, and direct the respondents to appoint him as Canteen Vendor in the existing vacancy. The facts of the case are briefly as follows:-

There were vacancies in the category of Canteen Vendors in the pay scale of Rs.196-232 arose in the office of the 3rd respondent in the year 1985. The 3rd respondent notified the vacancies to the District Employment Officer, Medak District through a letter dated 17.5.1985 requesting him to send a list of eligible candidates for selection. Pursuant thereto the District Employment Officer recommended the name of the applicant along with the eligible candidates. After completion of the selection process, the District Employment Officer was informed about the selection of the applicant. But not even a single vacancy was filled up from the selected list. The applicant was patiently waiting for the appointment orders but to his utter surprise the select list was cancelled without assigning any reason. The applicant understands that under the similar circumstances a select list of 72 candidates was prepared by the 3rd respondent to fill up the vacancies in the category of Lower Division Clerks. Out of the 72 candidates empanelled in the select list, 44 appointments were made cancelling the remaining 28 names. Meanwhile, he notified 20 vacancies in the same category of Lower Division Clerks to the Employment Exchange and the District Employment Exchange sent a list of eligible candidates. At that stage, the remaining 28 candidates empanelled in the select list have filed O.A. No.327 of 1989 before this Tribunal seeking to quash the

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cancellation of their empanelment. This Tribunal while admitting the said O.A., directed by way of interim orders, that no fresh appointment shall be made in pursuance to the requisition sent on 29.12.1988 to the District Employment Officer. The O.A. is still pending before the Tribunal.

2. The applicant also states that the persons selected along with the applicant have filed O.A.No.767 of 1989 before this Tribunal and the Tribunal passed interim orders. Hence, the petitioner filed this application for the above said reliefs.

3. The respondents filed a counter with the following contentions:-

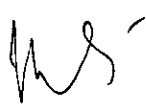
It is true that the applicant and 23 other candidates were sponsored by the District Employment Officer, Sangareddy in May 1985 for the post of Canteen Vendor. The applicant was interviewed along with others on 9/10.9.85. Out of 24 candidates, 13 were selected and placed in the panel of waiting list. The position of the applicant in the select list is 12. In the month of February 1989, on some administrative grounds they have to recruit some Land Displaced Persons. The District Employment Officer, Sangareddy was requested to treat the earlier select list as cancelled and sponsore fresh Land Displaced Persons possessing the specification criteria ~~for the~~ post of Canteen Vendors. In response to the above requisition, 28 candidates were sponsored by the District Employment Exchange and they were interviewed on 18.5.1990 and 6.10.1990. 10 candidates have been found suitable out of which 8 candidates have reported for duty so far.

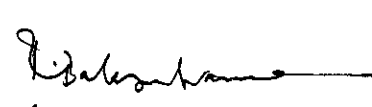
The Tribunal in O.A.No.767/1989 filed by some of the selected candidates in the interview held in 1985 ordered that all existing and future vacancies in the cadre of Canteen Vendors from 1985 panel should be filled up and only thereafter make recruitment from subsequent panels. On the basis of the orders of the Tribunal, the waiting list candidates in the 1985 panel upto merit position No.5 have been appointed and they have also joined duty. The position of the applicant herein is 12. Appointment of the applicant will also be considered as and when his turn comes taking into account his position in the merit list. For the above reasons, the respondents state that the application is liable to be dismissed.

4. In this case, Mr. G.Bhikshapathi, learned counsel for the applicant and Mr. E.Madan Mohan Rao, learned Additional CGSC on behalf of the respondents, argued the matter. Shri Bhikshapathi brought to the notice of the Court similar matters decided by this Tribunal viz., O.A.No.327/1989 and O.A.No.767/1989 wherein the Tribunal decided the cases in favour of the applicants therein. He states that this application may also be decided in favour of the applicant. The learned counsel for the respondents, Shri Madan Mohan Rao also agreed that this matter is covered by the judgments cited above. So, in view of the arguments advanced by both the counsels, the impugned order dated 16.3.1989 passed by the 3rd respondent cancelling the panel of Canteen Vendors prepared in 1985 is accordingly set-aside. We direct the respondents to


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restore the panel and consider the case of the applicant in his
turn. The application is accordingly disposed of. No costs.


(J. NARASIMHA MURTHY)
Member (Judl.)


(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 27 December, 1990.


Deputy Registrar (J)

vsn

To

1. The Government of India, represented
by its Secretary to the Government,
Ministry of Defence,
Dept. of Productions, New Delhi-11.
2. The Ordinance Factory Board
represented by its Secretary,
Ordinance Factory Board,
Calcutta - 1.
3. The General Manager,
Ordinance Factory Project,
Yeddumailaram,
Medak District.
4. One copy to Mr. G. Bhikshapathy, Advocate,
Race Course Road, Old Malakpet, Hyderabad.
5. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC. CAT, Hyd Bench.
6. One Copy to The Hon'ble Mr. R. Balasubramanian
Member (A), C.A.T., Hyderabad Bench, Hyderabad.
7. One Spare Copy.

srr/

Sr. Secy

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CHECKED BY
TYPED BY

APPROVED 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: 24-9-27/12/90

ORDER / JUDGEMENT:

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

T.A. No.

W.P. No.

O.A. No.

59/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction 5 JAN 1991

M.A. Ordered / Rejected

No order as to costs.

