

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.428 of 1991

DATE OF JUDGMENT: 28th July, 1993

BETWEEN:

Ms. G.Vijayakumari ..

Applicant

AND

1. The Secretary,
Department of Non-Conventional
Energy Sources,
Government of India,
New Delhi.
2. The Principal Scientific Officer/
Regional Project Officer,
Dept. of Non-Conventional Energy
Sources,
Ministry of Energy,
Southern Regional Office,
Hyderabad-16.
3. Union of India, represented by its
Secretary,
Ministry of Energy,
New Delhi. ..

Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. VLN Sarma, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Raghava Reddy, Addl.CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI V.NEELADRI RAO, VICE CHAIRMAN

The Regional Office of the Department of Non Con-
ventional Energy Sources is started at Hyderabad on 19.4.1984.
A post of Stenographer Grade-II was sanctioned for this

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office. The 2nd respondent alleges that their Head Office advised them to recruit a person for the said post on deputation basis subject to the approval by the Head Office. The further case of the respondents is that pending recruitment for the post of Stenographer Grade-II, the applicant was engaged on daily wage basis as Typist by an order passed in January 1985. The applicant alleges that she was removed from service by ^{an} order ^{dated} 8.3.1988 when she got issued a legal notice dated 30.12.1987 requesting for regularisation of her services. The case of the respondents is that the applicant continued to abscond from duty and during that period the 2nd respondent engaged another person on daily-wage basis to facilitate the functioning of the office and that ~~when~~ the applicant stopped coming to the office from August, 1986 ^{and} a Stenographer on deputation basis joined on 14.1.1988.

2. The applicant is praying for a direction to the respondents to reinstate her with continuity of service and all other consequential benefits including regularisation of her ~~services~~ ^{the} in category of Typist.

3. When there is no sanctioned post of Typist in the office of the 2nd respondent, the question of regularisation of the services of the applicant in the said post does not arise. As it is stated for the 2nd respondent that ~~only~~ a post of Stenographer Grade-II had ^{been} sanctioned for their office and one had already joined on 14.1.1988, the question of giving a direction for reinstatement of the applicant does not arise. In the above view, there is no need to consider as to whether the applicant stopped going to the office from August 1986 as alleged for the 2nd respondent,

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and the applicant was actually removed from service on 8.3.1988 as stated ^{by her} for the 2nd respondent. In view of the material on record, it is just and proper to pass the following order:-

If and when the office ~~xxx~~ of the 2nd respondent requires the services of a Typist, the applicant has to be first offered the said post, and for that purpose the age relaxation for the ^{period for} which she worked has to be given. If there is a post of Typist in any other office of the Department of Non Conventional Energy Resources, Government of India and if the post of Typist is going to be filled up by direct recruitment, by open competition, and if the applicant applies for the said post, the age relaxation has to be given to her for the period for which she worked in the office of the 2nd respondent at Hyderabad.

4. The OA is ordered accordingly. No costs.

(Dictated in the open Court).

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

V. Neeladri RAO
(V. NEELADRI RAO)
Vice Chairman

Dated: 28th July, 1993.

83/8/93
Deputy Registrar (J)

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to

1. The Secretary, Dept. of Non-Conventional Energy Sources, Govt. of India, New Delhi.
2. The Principal Scientific Officer/Regional Project Officer, Dept. of Non-Conventional Energy Sources, Min. of Energy, Southern Regional Office, Hyderabad-16.
3. The Secretary, Ministry of Energy, Union of India, New Delhi.
4. One copy to Mr. V. V. L. N. Sarma Advocate, 3-4-524, Barkatpura, Hyd.
5. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
- 6- One copy to Library, CAT, Hyd.
7. One spare copy.

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P. J. Thiruvengadam