

(23)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 654/91.
-T.A.No.-

Date of Decision : 28/8/91

Smt. G. Bhavani

Petitioner.

Shri N. Rama Mohan Rao

Advocate for the
petitioner (s)

Versus

The Superintending Engineer,
Visakhapatnam Central Circle,
C.P.W.D., Visakhapatnam-7 & another
Shri M. Jagan Mohan Reddy,
Addl. CGSC

Respondent.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy : Member (Judl)

THE HON'BLE MR. R. Balasubramanian : Member (Admn)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

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M(J) M(A)

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.654/91.

Date of Judgment 25.8.91

Smt. G. Bhavani

.. Applicant

Vs.

1. The Superintending
Engineer,
Visakhapatnam Central Circle,
C.P.W.D.,
Visakhapatnam-7.

2. The Executive Engineer(HQ),
Visakhapatnam Central Circle,
C.P.W.D.,
Visakhapatnam-7. .. Respondents

Counsel for the Applicant : Shri N.Rama Mohan Rao

Counsel for the Respondents : Shri M.Jagan Mohan Reddy,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This application has been filed by Smt. G.Bhavani
under section 19 of the Administrative Tribunals Act, 1985
against the Superintending Engineer, Visakhapatnam Central
Circle, C.P.W.D., Visakhapatnam-7 and another.

2. The applicant passed the SSC examination in 1983 and
had completed the Two Year Course of Training in the Trade of
Draughtsman(Civil) and obtained a certificate of ITI. The
C.P.W.D. has been engaging Draughtsman in Group 'C' on
casual basis by paying them monthly emoluments on daily wage
basis. She continued in this fashion between 21.12.87
and 14.2.89. Later, consequent to a decision of the C.P.W.D.
to hire services of persons through certain agencies
the applicant was employed as Draughtsman Grade-III (Civil)
through the agency of Marthi Ads, Pragati Charitable Trust
etc. While so, the respondents decided to conduct

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the written test/examination 13.7.91 for selecting suitable candidates for recruitment to the category of Draughtsman Grade-III (Civil). The applicant represented that in terms of the Ministry of Personnel letter No.4914/16-89-Estt(C) dated 16.7.90 she is entitled to be considered for the post. However, the respondents vide their letter dated 11.6.91 rejected her plea and hence this application.

3. While admitting the O.A. on 5.7.91 an interim order was passed directing the respondents to allow the applicant to appear for the examination in question. The respondents have intimated vide their letter dated 16.7.91 addressed to the Dy. Registrar (Judicial) that the applicant was allowed to appear for the examination held on 13.7.91. There is no counter affidavit yet filed in this case and the case was heard on 22.8.91.

4. We have examined the case and heard the learned counsel Shri N.Rama Mohan Rao for the applicant and Shri M.Jagan Mohan Reddy for the respondents. The learned counsel for the applicant Shri N.Rama Mohan Rao asserted that the applicant fulfills all the conditions required in the Department of Personnel's letter dated 16.7.90 and has, therefore, prayed that the applicant be considered for regular appointment to the category of Draughtsman Grade-II (Civil) alongwith the candidates sponsored by the Employment Exchange without insisting on her name being sponsored by the Employment Exchange. The letter dated 16.7.90 of the Department of Personnel provides for, as a one-time measure, age relaxation to the extent of period of service rendered as casual worker. It also provides for the casual workers employed in Grade 'C' posts that it is not necessary for their cases to be sponsored by the Employment Exchange. It is these two one-time relaxations that the applicant wants to avail. There are three conditions stipulated in para 2 of the letter and it is the case of the applicant that she fulfills all these

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three conditions. To avoid the application becoming infructuous this Bench had already permitted her to appear for the examination and she has already done so. In their letter No.57(2)VCC/91/1426 dated 11.6.91 the respondents had rejected the plea of the applicant for consideration in terms of the Department of Personnel's letter dated 16.7.90. They had not given any reasons therefor.

5. Under these circumstances, we dispose of the application with a direction to the respondents ^{to expedite selection process} that the case of the applicant should also be considered in the light of the Department of Personnel's letter dated 16.7.90 if she fulfills the three conditions mentioned in para 2 of the above letter. There is no order as to costs.

MS

R.Balasubramanian

(J.Narasimha Murthy)
Member(Judl).

(R.Balasubramanian)
Member(Admn).

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Dated

28th August 91

Registrar

8/28/91

To

1. The Superintending Engineer,
visakhapatnam Central Circle,
C.P.W.D.visakhapatnam-7.
2. The Executive Engineer (HQ)
visakhapatnam Central Circle,
C.P.W.D., visakhapatnam-7.
3. One copy to Mr.N.Rama Mohan Rao, Advocate,
714 'A' Block, Brindavan Apartments, Redhills, Hyd.
4. One copy to Mr.M.Jaganmohan Reddy, Addl. CGSC. CAT.Hyd.
5. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
6. One sparecopy.

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28/8

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CHECKED BY 3

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

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

AND

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

DATED: 28-8-1991

ORDER/ JUDGMENT

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

in

W.A. No. 654/91

T.A. No. (W.P. No.

Admitted and Interim directions issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

