

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.663/91

Date of order: 10-7-1991.

Between

1. M.Balaraju
2. B.Ramaswamy

... APPLICANTS

A N D

1. The Welfare Commissioner,
Govt. of India,
Min. of Labour, Hyderabad-20.
2. The Dist. Employment Officer,
Gadwal, Mahbubnagar district.

... RESPONDENTS

Appearance:

For the applicants : Shri Mohd.Gulam Rasool, Advocate
For the Respondent-1 : Shri Jagan Mohan Reddy, Addl.CGSC
For the Respondent-2 : Shri D.Pandu Ranga Reddy, Spl.Counsel
for State of A.P.

CORAM

The Hon'ble Shri Justice Kamleshwar Nath, Vice-Chairman

JUDGMENT

In this Application under Section 19 of the
Administrative Tribunals Act, 1985, the applicants who
have been permitted to make the application jointly,
seek a direction to the Respondent No.1 to appoint them
on the post of Chowkidar.

contd...2.

2. The learned counsel for the applicant refers to Respondent No.1's letter dated 14-8-1989 to the 2nd Respondent intimating that five persons specified therein against 2nd Respondent's letter dated 6-2-1989, have been placed in the list of selected candidates in the order of preference. The persons at serial Nos.1 to 3 have been appointed as Chowkidar and the applicants are at serial Nos.4 and 5. The applicants made a representation on 8-12-1990 to the Respondent No.1. The Respondent No.1 vide his letter dated 30-1-1991 stated that it was not possible to give appointments to the applicants as there were no further vacancies.

3. The counsel for the applicants says that there are vacancies and that some persons have been appointed in breach of the panel contained letter dated 14-8-89 of the Respondent No.1. No such fact, however, is stated in the O.A. itself. The learned counsel for the Respondent No.1 says that there are no vacancies and therefore, the question of appointment does not arise.

4. In this state of dispute about the existence or otherwise of the vacancies or posting of some persons in breach of the list contained in the Respondent No.1's letter dated 14-8-89 to the Respondent No.2, it is not possible to give the desired relief to the applicants as the material facts in this regard have not been set out in the Application.

contd...

It is of course expected that if there are vacancies and if the panel contained in the Respondent No.1's letter dated 14-8-89 is alive, the Respondent No.1 may consider the applicants' case if the applicants approach him afresh with material facts or alternatively, in case the applicants find such to be the situation, they can approach this Tribunal by means of a fresh O.A. with facts properly and fully stated.

5. However, it is also noticeable that the Respondent No.2, the District Employment Officer has refused to renew the applicants' cards. No relief in that direction is sought in this petition and therefore, it is not possible to give any direction on those lines. But it is to be hoped that the District Employment Officer, Respondent No.2, would consider the facts of non-appointment of the applicants despite their placement in the panel of 14-8-1989 and renew their employment cards unless forbidden by any express provision in the rules.

6. This Application is disposed of with the above observations. No order as to costs.

(Kamleshwar Nath)
Vice-Chairman.

Dated: 10th day of July, 1991.
Dictated in open court

To

1. mhb/The Welfare Commissioners,
Govt.of India, Min.of Labour, Hyd-20.
2. The Dist.Employment Officer, Gadwal, Mahaboobnagar Dist.
3. One copy to Mr.Mohd.Gulam Rasool, Advocate
3-2-763, Kachiguda, Hyderabad.
4. One copy to Mr.Jaganmohan Reddy, Addl.CGSC.CAT.Hyd.
5. One copy to Mr.D.Panduranga Reddy, Apl.Counsel for State of A.P.
6. One spare copy.

8/15/79
Deputy Registrar (A)