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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 1122/91.

Date of Decision : 18th Feb 1992

T.A.No.

Gummadi Venkateswara Rao

Petitioner.

Shri D.Krishna Murthy

Advocate for the
petitioner (s)

Versus

Chief General Manager, Telecom, A.P.Circle, Respondent.
Abids, Hyderabad-500 001.

Sri N.V.Ramana, Addl.Standing Counsel for
Central Government Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

THE HON'BLE MR. C.J. ROY, MEMBER (JUDL.)

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)

HRBS
M (A)

HCJR
M (J)

(80)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::
AT HYDERABAD.

O.A.No.1122/91.

Date of Decision: 21-2-92

Between:

Gummadi Venkateswara Rao
Vs.

Applicant

Chief General Manager,
Telecom, Andhra Pradesh
Respondent

For the applicant : Sri D.Krishna Murthy, Advocate
For the respondent : Sri N.V.Ramana, Addl. Standing
Counsel for Central Government.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

JUDGMENT OF THE BENCH AS PER HON'BLE SHRI C.J.ROY, MEMBER (J) (

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This application is filed under sec. 19 of the Administrative Tribunals Act, 1985 for a direction to the respondent to appoint the applicant herein as Junior Telecommunication Officer as per the selections made in pursuance of Notification dt. 11-8-1984 issued by the Respondent. () () ()

2. The applicant herein had applied to the post of Junior Engineer in Telecommunication, A.P. in response to the notification dt. 11-8-1984 in Employment News Weekly calling for applications to 224 posts. The applicant was called to appear before the selection committee for interview and that he was placed at S.No.60 in the select list prepared by the respondent on the basis of merit. The applicant states that the list of selected candidates was published and was sent to all the concerned officers. The applicant alleges that, in pursuance of selection, the respondent

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appointed 50 to 60 candidates from the select list, but he did not get appointment. The applicant averred that he had made enquiries with the respondent and that he was informed that a ban was imposed on making appointments and that appointments will be made soon it is lifted. The applicant was waiting for appointment letter from the respondent. The applicant states that one candidate by name Smt.S.Suneetha Lakshmi, who was also placed in the select list referred above at Sl.No.134 had filed an application before this Tribunal in O.A.No.395/89 and questioned the re-advertisement issued by the respondent for filling up the posts of Junior Telecommunication Officer. The applicant states that he has come to know this in the month of April, 1991 and filed the present O.A. The applicant further states that this Tribunal allowed the O.A. referred above by Judgment dt. 26-3-1990. The applicant alleged that the action of the respondent in readvertising the vacancies without exhausting the select list is illegal arbitrary and discriminatory and violative of Articles 14 and 16 of the Constitution of India. The applicant averred that for no fault of him, the respondent cannot reject the select list partially, and it was informed that soon the ban is lifted appointments will be made. It is also alleged that the respondent cannot readvertise the posts without exhausting the select list already prepared, and hence filed this O.A.

2. The respondent has not filed counter in this case so far. This Tribunal on 10-2-1992 while granting one week time for filing counter, the respondent was directed to check-up whether the judgment rendered in O.A.No.395/89 dt. 26-3-1990 covers this case or not.

To

1. The Chief General Manager, Telecom Andhra Pradesh Circle, Abids, Hyderabad-1.
2. One copy to Mr.D.Krishna Murthy, Advocate 1-10-123/1, Abhoknagar, Hyderabad.
3. One copy to Mr. N.V.Ramana, Addl.CGSC. CAT.Hyd.
4. One spare copy.

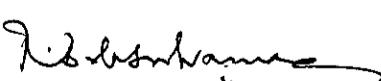
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3. The applicant filed material papers viz. Selection List dt. 7-1-1986; Order dt. 26-3-1990 in O.A.No.395/89 passed by this Tribunal.

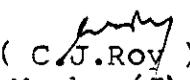
4. We heard Sri D.Krishna Murthy, learned counsel for the applicant and Sri N.V.Ramana, learned counsel for respondent and perused the records carefully.

5. It can be seen that the advertisement was initially published on 11-8-1984, but all the advertised vacancies were not filled due to imposition of ban on filling up of the vacancies. It can also be seen from the records that the respondent re-advertised a notification for filling up the vacancies on 29-4-1989, and one of the candidates in the select list had approached this Tribunal in 1989 ~~itself~~ and the said application bearing O.A.No.395/89 was disposed of on 26.3.1990. But the applicant herein, failed to approach either the respondent or this Tribunal within the period prescribed under sec. 21 of the A.T.Act, 1985. The applicant approached this Tribunal ^{only} on 2-7-1991, inspite of the fact that re-advertisement was issued on 29-4-1989. The applicant states that he has come to know about the same in April, 1991. A delay of about 2 years 2 months is apparent on the face of record. The contention of the learned counsel for applicant that he has come to know the same in April, 1991 is not accepted. Therefore, the case relied by the learned counsel for the applicant in O.A.No.395/89 cannot be applied to this case. No material on the record shows that the applicant explained the causes for the delay and its condonation.

6. Under the circumstances, we hold that the application is barred by limitation and accordingly dismissed. No order as to costs.

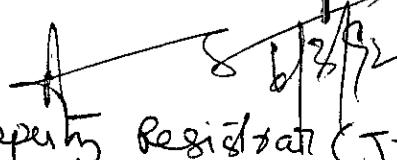

(R. Balasubramanian)

Member (A)


(C.J. Roy)
Member (J)

Dated 21st February, 1992.

grh.


Deputy Registrar (J)