IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.63/91 Date of Order: 21.3.94

BETWEEN:

R.Ram Singh .. Applicant.

A N D

1. The Telecom District Engineer, Nizamabad.

2. The Chief General Manager, Telecom, A.P., Hyderabad - 500 001.

3. The Director-General, Telecom, (representing Union of India), New Delhi - 110 001. .. Respondents.

Counsel for the Applicant .. Mr.C.Suryanarayana

Counsel for the Respondents .. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

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Order of the Division Bench delivered by Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to appoint the applicant in one of the two vacancies in the Group 'D' post declaring that the applicant is eligible for appointment and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts so far necessary to adjudicate this O.A. in brief are as follows:-

2. The applicant belongs to Scheduled Tribe. Initially he was engaged by Sub-Divisional Officer, Armoor as Casual Mazdoor w.e.f. 9.2.86. It may be pointed out that there was a ban for recruitment of casual labour w.e.f. 30.3.1985. It was during the period of ban that the applican had been engaged as casual mazdoor. The applicant continued as casual mazdoor w.e.f. 9.2.1986 onwards upto the end of July 1989. Subsequently the applicant was dis-engaged on the ground that he had been selected during the ban period i.e. after 30.3.1985.

3. There are two vacancies for appointment in the Griup 'D' post for Scheduled Tribe. According to the applicant the said two vacancies are meant for inservice candidate/s belongs to S.T. It is the case of the applicants that he has got a right to be considered for appointment to one of the two vacancies of Group 'D' post in preference to any outsider. The applicant seems to have made representation to the competent authority for redressal of his

grievance as already indicated above.

4. Counter is filed by the respondents opposing this O.A. In the counter of the respondents it is maintained that the casual mazdoors who were engaged prior to 30.3.85 are eligible for recruitment to Group 'D' posts and as the applicant was dis-engaged from 24.7.1988, that the applicant is not eligible for appointment to Group 'D' post and that this OA is liable to be dismissed.

5. We have heard today Mr.C.Suryanarayana, counsel for the applicant and Mr.N.V.Ramana, Standing Counsel for the respondents.

6. With regard to the eligibility of the candidates who had been engaged during the ban period (after 30.3.85) for appointment to Group 'D' post in the C.A.T., Principal Bench, New Delhi had occasion to deal in OA.525/88. O.A. 525/88 on the file of the Principal Bench, New Delhi had been decided as per the order dated 4.5.1988. The Principal Bench, New Delhi after referring to Supreme Court decision had held as follows:-

> "The impugned order of retrenchment of this application is made thereafter on 23.3.1988. The applicants have admittedly put in nearly 3 years of service. Therefore, as per the directions of the Supreme Court, they were entitled to be absorbed and also entitled to receive wages, if any due. The administrative decision to retrench all those that were employed after 1.4.1985, therefore, no longer hold good. In fact, all those that are employed after 1.4.1985, even if they had continued for one year, are entitled for absorption in view of the orders of the Supreme Court."

7. So, in view of the decision of the Central Administrative Tribunal it is not open to the respondents to contend that the applicant does not have a right to be considered for appointment to one of the Group 'D' posts out of the two vacancies meant for Scheduled Tribe. So,

in view of this position it would be fit and proper to dispose of this OA by giving appropriate directions to the respondents.

8. Hence we permit the applicant to make a detailed representation to the respondents for redressal of his grievance within two weeks from the date of the communication of this order. The respondents shall receive the said representation if made by the applicant and shall dispose of the said representation within three months from the date of the receipt of the representation of the applicant by passing appropriate orders by taking into consideration the extant instructions/circulars/orders that cover the applicant with regard to the appointment of Group 'D' post.

O.A. is disposed of accordingly. The parties shall bear their own costs.

(H.RAJENDRA PRASAD)
Member(Admn.)
21 MAR 94

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 21st March, 1994 Dy. Registrar(Judl.)

(Dictated in Open Court)

Copy to:-

1. The Telecom District Engineer, Nizamabad.
2. The Chief General Manager, Telecom, A.P.Hyd-001.
3. The Director-General, Telecom,(representing Union of India New Delhi-001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

OA. 63/91

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(AD)

AND

THE HON'BLE MR.TCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.~~R.RANGARAJAN~~ M. Rajendra Prasad : M(ADMN)

Dated: 21/3/1994

~~ORDER~~/JUDGMENT

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

in

O.A.No. 63/91

T.A.No. (w.p.)

Admitted and Interim Directions Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal
DESPATCH
9 MAY 1994
HYDERABAD BENCH.

8 copies