

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.1129/92

date of decision : 29-12-92

Between

A. Kesavula Naidu

: Applicant

and

1. The Chief Executive,
Govt. of India, Dept. of Atomic
Energy, Nuclear Fuel Complex,
ECIL (PO), Hyderabad 500762

2. The Asstt. Personnel Officer
Nuclear Fuel Complex
ECIL(PO), Hyderabad 500762

3. The Personnel Manager,
Govt. of India, Dept. of Atomic
Energy, Nuclear Fuel Complex,
ECIL (PO), NYderabad 500762

: Respondents

Counsel for the applicant

: P.B. Vijaya Kumar
Advocate

Counsel for the respondents

: N.R. Devaraj, Standing
Counsel for Central Govt.

Coram :

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

Judgement

(Orders as per Hon. Mr. R. Balasubramanian, Member (Admn.)

This application is filed with a prayer to issue appointment order in view of his selection as Tradesman with all consequential and attendant benefits.

2. The applicant was selected for the post of Tradesman-A and the offer of appointment was also sent by the respondents as on 5-3-1992 and again on 23-3-1992. It is the contention of the respondents as seen from the letter dated 23-5-1992 addressed to the applicant, that, since in both the occasions the registered letters were returned undelivered, and they have cancelled his appointment. On the other hand it is the contention of the applicant that as early as on 2-1-1992 even before despatch of his appointment order, he had intimated to the respondents about the change of his address. This confusion about intimation of change of address apart, we feel that the applicant has acquired a right in the sense that he has been given ^{an} order of appointment. Sri Devaraj, however, strongly contended that the applicant did not care to intimate the change of address ^{in time} while representing change of address. He also pointed out that once the offer of appointment has not been accepted, according to rules, the appointment is deemed to be cancelled and review is not possible.

3. We have examined the case and heard rival sides.

4. The question of acceptance or otherwise does not arise in this case since the applicant has not received the communication itself whatever be the reason. If this reason alone for a person who has been regularly selected should go without a job, in our opinion ^{it} would be too much and would cause injustice. We cannot at the same time blame the respondents also because they had sent the communication to the address that is available with them. Under these circumstances we feel that justice would be served if we direct the respondents to offer a job to the applicant in the next vacancy that becomes available. We accordingly direct the respondents

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appointment in an existing vacancy and if not available in to offer the next vacancy that becomes available to the applicant, and communicate to the new address that is available, atleast in this DA.

5. The application is disposed of at the admission stage itself with no order as to costs.

R. Balasubramanian

(R. Balasubramanian)
Member (Admn)

T. Chandrasekhar Reddy

(T. Chandrasekhar Reddy)
Member (Judl)

dated : December 29, 92
Dictated in the Open Court

8/1/93
Dy. Registrar (Judl.)

sk

Copy to:-

1. The Chief Executive, Govt. of India, Dept. of Atomic Energy, Nuclear Fuel Complex, ECIL, (PO) ? Hyd-62.
2. The Asst. Personnel Officer, Nuclear Fuel Complex, ECIL (PO), Hyderabad-762.
3. The Personnel Manager, Govt. of India, Dept. of Atomic Energy Nuclear Fuel Complex, ECIL (PO), Hyd-762.
4. One copy to Sri. P.B.Vijaya Kumar, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

C-ct (3) 11/192
F-
O.A. 1129/92

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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HYDERABAD BENCH
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. *V.C.*

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

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

Dated: *29/12/1992*

ORDER/JUDGMENT:

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

in

O.A. No.

1129/92

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.