

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.254/92

Date of Order: 2.7.1992

BETWEEN:

S.R.Gurumukhi

.. Applicant.

A N D

1. The Union of India, rep. by its Secretary, Dept. of Ministry of Human Resources Development, Shastry Bhavan, New Delhi.
  2. The Govt. of India through its under Secretary, Ministry of Human Resources Development, Shastry Bhavan, New Delhi.
  3. The Union Public Service Commission, rep. by its Secretary, Govt. of India, New Delhi.
- .. Respondents.

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Counsel for the Applicant .. Mr.C.Narendar  
Counsel for the Respondents .. Mr.N.V.Ramana

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CCRAM:

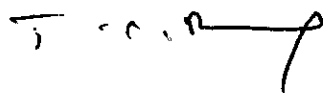
HON'BLE SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

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

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

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..2..

This is an application filed by the applicant herein under Section 19 of the Administrative Tribunals Act, to declare the action of the respondents as illegal and contrary to law in not issuing the appointment order appointing the applicant as Deputy Educational Adviser (Technical) Education Department in the Ministry of Human Resources Development, New Delhi, pursuant to the letter dated 31.8.1989 issued by the Union Public Service Commission, New Delhi and for certain other reliefs.

2. The applicant was appointed as Deputy Director of Training in Advanced Training Institute, Bombay, which is under the control of Government of India, Director General Employment and Training, Ministry of Labour w.e.f. 1980. The Union Public Service Commission, New Delhi, had advertised vide its advertisement No.12 item 6 dated 25.3.89 to the post of Deputy Educational Adviser (Tech.) which was exclusively reserved for the Scheduled Tribe for which the applicant applied. The applicant was selected to the said post by the Union Public Service Commission after due process of law. The Union Public Services Commission, through its letter No.F1/72/89-R.IV/Roll.No.27 dated 31.8.1989, had recommended the name of the applicant for appointment to the post of Deputy Educational Adviser(Tech.) in the Department of Education, Ministry of Human Resources Development, Government of India. In spite of the said recommendation, the applicant was not given appointment to the said post. So, the applicant made representations in vain to the Government of India, to give appointment to the said post. As he failed in his attempts to get appointment to the said post, the applicant had approached this Tribunal for the relief(s) as indicated above.

3. Counter is filed by the respondents opposing this OA.

4. We have heard Mr C.Narendar, Advocate for the applicant and Mr NV Ramana, Standing Counsel for the respondents.

..3..

T. C. N.

To

1. The Secretary, Union of India, Dept. of Ministry of Human Resources Development, Shastry Bhavan, New Delhi.
2. The Secretary, Govt. of India, Ministry of Human Resources Development, Shastry Bhavan, New Delhi.
3. The Secretary, Union Public Service Commission, Govt. of India, New Delhi.
- 4 . One copy to Mr.C.Narender, Advocate, 2-2-1075/15-A Bhagamberpet, Hyd.
5. One copy to Mr.N.V.Ramana, Addl. CGSC. CAT.Hyd.
6. One copy to Hon'ble Mr.T.Chandrasekhar Reddy, M(J)CAT.Hyd.
7. One spare copy.


pvm,

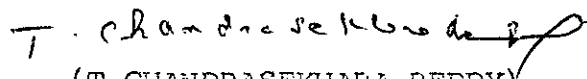
5. To the counter, Annexure - R3 is attached ~~the~~ letter dated 28.4.92, issued by the Government of India, Ministry of Human Resources Development and which reads as follows:

"I am directed to say that the UPSC recommended your name for appointment to the post of Deputy Educational Adviser (Tech.) in this Department subject to your being found otherwise suitable on the basis of your antecedents, it has been decided with the approval of the competent authority not to accept the recommendation of the UPSC for your appointment to the post of DEA(T) in this Department."

In view of the letter dated 28.4.92, issued by the Government of India, Ministry of Human Resources Development, not accepting the recommendation of UPSC for the appointment of the applicant to the said post of DEA(T), Mr C.Narendar, advocate for the applicant submitted that, he is not pressing this OA and that, he would be filing a separate OA questioning the validity of the proceedings in the said letter dated 28.4.92 issued by the Ministry of Human Resources Development. So, in view of the submission made by Mr.C.Narendar, advocate for the applicant, we have no difficulty in dismissing this OA as not pressed and ~~is~~ the OA is accordingly dismissed as not pressed. But this order does not preclude the applicant from filing a fresh OA questioning the validity of the proceedings in the said letter dated 28.4.92.


6. MA 365/92 is moved by the applicant to condone the delay of 5½ months in filing this OA. As we have dismissed the OA as not pressed, this MA becomes infructuous and we dismiss this MA as infructuous.

  
(R. BALASUBRAMANIAN)  
Member(Admn)

  
(T.CHANDRASEKHARA REDDY)  
Member(JUDl.)

Dated: 2nd July, 1992  
(Dictated in the open court)

sd

  
Deputy Registrar

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 2 - 7 - 1992

~~ORDER~~ / JUDGMENT

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

in

O.A.No. 254/92

T.A.No.

(W.P.No. )

Admitted and interim directions  
issued

Allowed

Disposed of with directions

Dismissed ✓

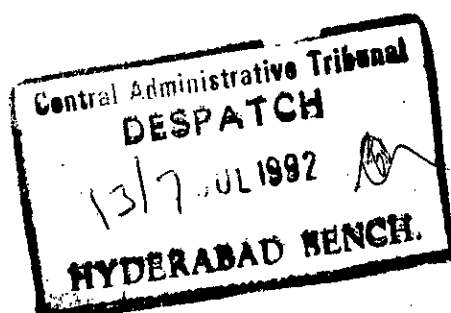
Dismissed as withdrawn

Dismissed for default.

M.A.Ordered/Rejected.

No order as to costs.

pvm.



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