

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.306/92

Date of Order: 8.4.92

BETWEEN:

A.K.Ghosh

.. Applicant.

A N D

1. The union of India
rep. by its Secretary,
Ministry of Finance,
Dept. of Economic
Affairs, Sastry Bhavan,
New Delhi.

.. Respondent.

Counsel for the Applicant

.. Mr.M.Pandu Ranga Rao

Counsel for the Respondent

.. Mr.N.Bhaskara Rao

CORAM:

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

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

T. C. R.

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondent to treat the applicant as having been appointed to the post of Senior Works Manager on adhoc basis from the date he has been working in the said post and on regular basis from the date of completion of five years qualifying service as Works Manager, and pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief may be stated as follows:

2. The applicant was selected for appointment as Assistant works Manager in Government of India Mint and was posted as Assistant Works Manager at Government of India Mint in Hyderabad. He worked in that capacity from 23.2.76 to 16.6.1985 in Hyderabad. In the year 1988 the post of Senior Works Manager fell vacant. The applicant was entrusted with the work of senior works manager which he had been discharging till today. While so the respondents have issued a notification for filling the said post as Senior Works Manager. The said notification states that the said post will be filled on transfer on deputation basis. Further the said notification says that the applications of such eligible candidates as are desirous of being considered for the said post and who can be relied immediately on selection may be forwarded alongwith their complete and up-to-date CR dossiers to the under secretary to the Government of India so as to reach him latest by 16th April, 1992.

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3. According to the applicant as per the Rules framed under the proviso to Article 309 of the Constitution of India, the post of Senior Works Manager had to be filled up as per the following Rule:

"Method of Recruitment whether by direct recruitment, or by promotion, by deputation/transfer & percentage of the vacancies to be filled by various methods:

- (i) 50% by promotion failing which by transfer on deputation and failing both by direct recruitment.
- (ii) 50% by direct recruitment."

4. It is the grievance of the applicant that without first considering the qualified candidates for promotion for the said post of Senior Works Manager that the respondent cannot resort to fill up the said post by transfer/deputation. It is also the grievance of the applicant that he is fully qualified for regular appointment to the said post of Senior Works Manager. The post of Senior Works Manager has to be filled up by promotion ^{- See} on ~~promotion~~.

5. We have heard Mr.M.Pandu Ranga Rao, Advocate for the applicant and Mr.N.Bhaskara Rao, Standing Counsel for the respondent.

6. The applicant seems to have put in a representation to the respondent on 9.10.1991 that he should be considered for promotion to the said post of Senior Works Manager. The said representation was followed by a reminder dated 25.3.1992. In spite of the said representations having been acknowledged by the respondents, according to the applicant the said representations of the applicant are undecided

by the Competent Authority

5 :
Copy to:-

1. Secretary, Ministry of Finance, Department of Economic Affairs, Union of India, Sastry Bhavan, New Delhi.
2. One copy to Sri. M.Pandu Ranga Rao, advocate, CAT, Hyd.
3. One copy to Sri. N.Bhaskara Rao, Addl. CGSC, CAT, Hyd-bad
4. One spare copy.

Rsm/-

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by the Competent Authority. In view of this position we are of the opinion that this OA can be disposed of at the admission stage itself by giving appropriate directions so as to protect the interests of both the parties.

7. Hence we direct the Competent Authority to decide the representations of the applicant dated 9.10.91 and 25.3.92 and pass final order thereon within 3 months from the date of the receipt of this order. As the applicant at present is entrusted with the work of Senior Works Manager and as the applicant is discharging the work of Senior Works Manager, We direct the respondent to allow the applicant to continue in the same capacity as he is now working until the final order on the representation of the applicant is passed by the Competent Authority. If the applicant continues to be aggrieved by the final order passed by the Competent Authority, the applicant would be at liberty to approach this Tribunal afresh in accordance with Law. But we make it clear that this order does not preclude respondent in any way to go-ahead with the process of selection for filling up the said post of Senior Works Manager as per the notification. The OA is disposed of at the admission stage itself with the above said directions. We make no order as to costs.

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 8th April, 1992

(Dictated in the Open Court)

523/472
DY. Registrar (Judl.)

23/2/92
O.A. 306/92
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: 2/4/1992.

ORDER / JUDGMENT

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

in

O.A. No.

306/92

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs

pvm.

Central Administrative Tribunal
DESPATCH
29/4/92
HYDRABAD BENCH