

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 77/92.

Dt. of Decision : 21-9-94.

Smt. D. Revathi

.. Applicant.

Vs

1. Union of India rep. by the
Secretary to Government
Ministry of Defence,
New Delhi.

2. The Director General of
Ordnance Services,
Army Headquarters,
New Delhi.

3. The Officer-in-charge,
A.O.C. Records office,
Tirmugherry P.O.,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjaneyulu

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

UJ

O.A.77/92

Date of order: 21.09.1994

ORDER

(As per Hon'ble Shri A.B.Gorthi, Member(J))

The applicant, who belongs to Scheduled Caste community, and who passed SSC, was initially appointed to a Group 'D' post, in the office of the AOC Records, Secunderabad, after having been sponsored by the Employment Exchange. She assumed duty on 06.12.1983. Later, she was selected and appointed as LDC in the scale of Rs.260-480. After she had served for about two years as LDC, she was served with a notice dated 18.03.1987, stating that her services would stand terminated with effect from 30.04.1987. She was, however, retained in her original Group 'D' post.

2. The respondents have not disputed the afore-stated facts; but clarified that ^{Army 44p} in accordance with ~~Army HQs~~ AG's Branch letter No.68181/St-II/Org 4(Civ)(b) dated 10.01.1986, directed that the individuals in Group 'D' post, later recruited to Group 'C' posts had to be reverted because, recruitment to Group 'C' post would only be from amongst the candidates sponsored by the employment exchange. As the applicant was recruited to Group 'C' post of LDC as a departmental candidate, her services as LDC was terminated and she was reverted to her original Group 'D' post with effect from 30.04.1987.

3. Shri KSR Anjneyulu, learned counsel for the applicant, has drawn our attention to the ^{Judgements of} Chandigarh Bench of this ^{tribunal} in TA No.12-PB-1989 and OA 375-B of 1989. We have perused the said judgements. In both the said cases, Group 'D' employees working under the Commandant, 223-Advanced Base Ordnance Depot, Suranussi, Jalandhar, were subsequently

recruited to the Group 'C' Post of Store Keeper in lieu of combatants. Based on the ruling issued by Army HQs that, recruitment to Group 'C' posts could be done only from amongst the candidates sponsored by the employment exchange, the petitioner/s/applicant/s in the said cases were reverted to the lower Group 'D' post held by them initially. The Tribunal held that, as the employees were initially engaged after having been sponsored by the Employment Exchange, and that, at the relevant time, the authorities concerned found it expedient to consider departmental candidates also, the same cannot be treated as illegal. In these circumstances, the Tribunal set aside the reversion of the employees and ordered the respondents to consider their cases for regular appointment against the regular vacancies in Group 'C' cadre with effect from the date of their reversion.

4. The respondents in their reply affidavit stated that the decisions of the Chandigarh Bench of the Tribunal were referred to the higher authorities, who, however, directed that the benefit of the Judgements of Chandigarh Bench of the Tribunal need not be extended to other similarly situated employees under the Ministry of Defence.

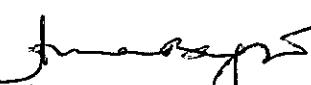
5. It is unfortunate that instead of extending the benefit of the Judgements of the Tribunal to all similarly situated employees, they are being driven to the Tribunal to seek justice/parity with other employees.

6. As the case of the applicant before us is similar to those in TA No.12-PB-1989 and OA 375/B/89, we are of the considered view that the applicant should also be given

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identical relief. Accordingly this OA is allowed, with a direction to the respondents to consider the case of the applicant for regular appointment against a regular vacancy of LDC as on the ~~date~~^{date is} the reversion was made. Respondents are directed to comply with this direction within three months from the date of communication of this order. No costs.


(A.B. GORTHI)

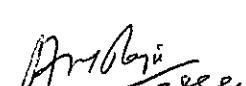
Member(A)


(A.V. HARIDASAN)

Member(J)

Dated: The 21st Sept., 1994

Dictated in the open court


DEPUTY REGISTRAR(J)

mvl

To

1. The Secretary to Government, Union of India, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Army Head Quarters, New Delhi.
3. The Officer in Charge, A.O.C. Records Office, Trimulgerry P.O., Secunderabad.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One copy for spare.

YLKR

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J).

AND

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

Dated: 21.9.94

ORDER/JUDGMENT.

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

in

D.A.NC. 77/92

T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

