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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.841/93

date of decision : 22-7-1993

Between

B. Shyam Sunder : Applicant

and

1. The Director General  
ESI Corporation  
Panchdeep Bhavan  
Kotla Road, New Delhi

2. The Regional Director  
ESI Corp., Regional Office  
5-9-23, Adarshnagar  
Hyderabad 500 483

3. The Dy. Regional Director  
ESI Corporation, Regional Office  
5-9-23, Adarshnagar  
Hyderabad 500 483

: Respondents

Counsel for the applicant : V. Venkateswara Rao,  
Advocate

Counsel for the respondents : N.R. Devaraj, SC for  
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

JUDGEMENT

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri V. Venkateswara Rao, learned counsel for the  
applicant and Sri N.R. Devaraj, learned counsel for the  
respondents.

2. The applicant joined service as LOC in the respondent's  
Corporation on 11-4-1986. His appointment was on the basis  
of regular selection. Headquarters letter dated 5-5-1993

*D.S.G.*

was issued for conducting Departmental Competitive test for promotion to the post of UDC. In memo dated 12-5-1993 of Dy. Regional Director, ESI, Hyderabad, it was stated that all the employees who have completed 3 years regular continuous service in the Grade of LDC/Telephone Operator as on 30-4-1993 are eligible for appearing in the said test. The applicant was issued Hall Ticket on 25-5-1993 to appear for the examination to be held on 25-7-1993. But by letter dated 16-7-1993 i.e. the impugned letter, R-3 informed the applicant that he is not permitted to sit in the examination and he was required to return the Hall Ticket. On the same day the applicant submitted a representation requesting the concerned authority to inform him as to why he is not permitted to appear for the said test. As no reply is received in regard to the same, and as the test is going to be held three days hence i.e. on 25-7-1993, this OA is filed praying for quashing the impugned letter dated 16-7-1993.

3. Shri N.R. Devaraj, learned standing counsel for the respondents is heard in the matter.

4. It is evident from the allegations in the OA that the applicant completed more than three years regular continuous service in the grade of LDC and the same is not challenged for the respondents. Hence, it cannot be stated that the applicant is not eligible to appear for this Departmental Competitive test.

5. Accordingly, the impugned letter dated 16-7-1993 is set aside and the applicant is permitted to appear for

2nd PG

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the said examination on the basis of the Hall Ticket No.11-069 issued already to him.

6. The OA is ordered accordingly at the admission stage. No costs.

P. T. Thiruvengadam

(P.T. Thiruvengadam)  
Member (Admn.)

*Neeladri*  
( V. Neeladri Rao )  
Vice-Chairman

dated : July 22, 1993  
Dictated in the Open Court

*1029/7*  
Deputy Registrar (J)

To

sk

1. The Director General, ESI Corporation  
Panchdeep Bhavan, Kotla Road, New Delhi.
2. The Regional Director ESI Corp.,  
Regional Officer, 5-9-23, Adarshnagar, Hyderabad-483
3. The Deputy Regional Director, ESI Corporation,  
Regional Office, 5-9-23, Adarshnagar, Hyderabad-483.
4. One copy to Mr. V. Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

*30/7/93  
PVM*

*Rover 9/27/93*  
*C. C. Today*  
*3 P.M.*  
TYPED BY  
CHECKED BY *RM*  
APPROVED BY  
*22/7/93 - J. 6.30 PM.*

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. GORTY : MEMBER(AD)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 22-7-1993

ORDER/JUDGMENT:

M.A. /R.A. / C.A. NO.

in

O.A. No. 841/93.

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.

pvm

