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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A.No. 68/94
in
R.A.No.1403/93.

Dt. of Decision : 20.1.1995.

Ramakrishna Rao

.. Applicant.

Vs

1. The Union of India,
Rep. by its Secretary,
Ministry of Defence,
New Delhi.
2. The General Manager,
Ordnance Factory Project,
Yeddumailaram, Medak.

.. Respondents.

Counsel for the Applicant : Mr. G. Parameswara Rao

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

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(b)

R.A.No.68/94
in
O.A.No.1403/93.

Orders

Dt: 20.1.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.Parmeswara Rao, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant in the OA filed this RA praying for modifying the operative portion of the order dated 21.1.1994 in the OA.

3. Two applicants in the OA 947/90, and one departmental candidate and the applicant in the OA 1403/93 were empanelled for the posts of Supervisor (Technical/DPS). While the departmental candidate who was at Sl.No.2 of the said panel was appointed and those who were at Sl.Nos.1 and 3 of the said panel were not given the appointments, they filed OA 947/90 praying for direction to the respondents to give them orders of appointment as per their empanelment in the select list. The two contentions that were raised for the respondents therein are that as there was ban for recruitment and as the select list was cancelled due to some irregularities, they are not entitled for appointments. But the above contentions for the respondents were repelled and the OA 947/90 was allowed by the order dated 17.6.1993.

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4. Thereafter, the applicant herein filed OA 1403/93 praying for direction to the respondents to give him appointment as ~~he~~ he was empanelled in the same select list. That OA was disposed of by the order dated 21.1.1994 and sub-para (i) of Para-6 of the said order which is material ~~xx~~ is as under:-

"R-2 is directed to issue orders of appointment to the applicant to the post of Supervisor (Tech/ DPS) if he is empanelled and placed senior to any of the applicants in OA 947/90 in the select-list provided there is a post available to accommodate him."

5. In the order dated 21.1.1994 itself, it was observed that this case is squarely covered by the order in OA 947/90. But the order as per para 6(i) was passed when it was not brought to the notice of this Tribunal that the applicant in OA 1403/93 was ⁱⁿ ~~the~~ ^{last} ~~list~~ of the panel. It is not ~~case~~ of the respondents that four were empanelled for three vacancies. As the matter in OA 1403/93 is squarely covered by the order in OA 947/90 and as four were empanelled for the four vacancies and as the applicant in this OA 1403/93 happens to be the ⁱⁿ ~~last~~ ^{of} the panel, it is just and

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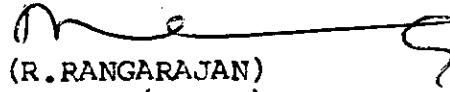
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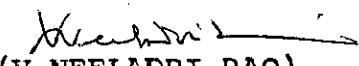
.. 4 ..

proper to delete sub para (i) of Para-6 and substitute it as under:-

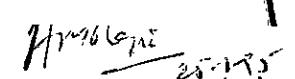
" 6.(i). R-2 is directed to issue orders of appointment to the applicant to the post of Supervisor (Tech/DPS) if he was empanelled in the select list ~~provided as and~~ when ^{is} there ~~is~~ a post available to accommodate him."

6. This RA is ordered accordingly. No costs. /


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

"Open Court Dictation"

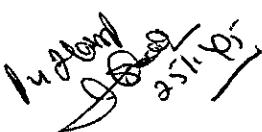

Deputy Registrar (J) CC

vsn

To

1. The Secretary, Ministry of Defence, Union of India, New Delhi.
2. The General Manager, Ordnance Factory Project, Yedumailaram, Medak.
3. One copy to Mr. G. Parameswar Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Raghava Reddy, Adm. OGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm


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