

INN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 1403/93.

Dt. of Order: 21-1-94.

Ramakrishna Rao

Vs.

...Applicant

1. The Union of India rep. by its Secretary, Ministry of Defence, New Delhi.
2. The General Manager, Ordnance Factory Project, Yeddu-maileram, Medak.

...Respondents

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Counsel for the Applicant : Shri G. Parameswara Rao

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

CORAM:

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

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

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....2.

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O.A.No.1403/93.

Pre-delivery Judgment in the above O.A. typed as per
the dictation of Hon'ble Sri R.Rangarajan, M(A) for
concurrence please.

H.M(A)-II

HVC

Rangarajan (G.Rangaiah)
SPA

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

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

2. Respondent No-2 issued requisition dt. 8.4.1989 to the Employment Exchange, Sanga Reddy, to sponsor candidate for the posts of Supervisor (Technical/D.P.S.) in the pay scale of Rs.1400-2300. The applicant in this case is one amongst those who were sponsored by the employment exchange in the II batch. It is stated by the applicant that he was selected on the basis of an interview held on 7.10.1989 along with 3 others for the appointment to the above said posts. He further states that he was placed at Serial No.2 in the panel prepared by the selection committee. When no appointment orders had been issued to him, he had called on the concerned officers from time to time to know the reasons for the inordinate delay in the issue of appointment orders. He was orally told that the matter is subjudice as some candidates have filed an application in this Tribunal. He further states that he was told that he will be issued with orders soon after the

2. Even after the said case registered as O.A.No. 947/90 was disposed-of and the two applicants in that O.A. were appointed, though those two applicants were overaged, he was not given any appointment order. As he had fulfilled all the conditions for appointment and as he was not issued

with posting orders he filed this O.A. for a direction to the respondents to issue appointment orders immediately to him for the above said post for which he was selected.

3. It is stated for the respondents that the select list containing the names of the applicants and others was not approved by R-2 in view of the irregularities brought to his notice regarding conduct~~in~~ of interview. This point has been elaborately discussed in the judgment dt. 17.6.1993 in O.A. No. 947/90 and held that these alleged irregularities are not established for disapproving the select list.

4. At the time of hearing it was submitted by the learned counsel for the respondents that the case is time barred as the selection was held on 7.10.1989 and the O. ^{dt. 17.6.1993} Though the interview was held on 7.10.1989 no order was issued to any of the candidates and two of the applicants in O.A. No. 947/90 ^{dt. 17.6.1993} was issued with posting orders on the basis of this Tribunal's decision dt. 17.6.1993. When the applicant did not receive the posting orders even after 17.6.1993 and two others from the select list were issued with posting orders, he submitted a representation to R-2 dt. 16.10.1993 for which no reply has been received by him. Hence he filed this O.A. In view of the said position, we are satisfied that there is no delay in filing this application.

5. The next contention of the respondent is that the orders have been issued to only those two applicants who were parties in O.A. No. 947/90 and as the applicant herein is not a party in that O.A. the directive of the Tribunal is not applicable to him even if his case is similar to that of the applicants in O.A. No. 947/90.

6. The present case is squarely covered by the decision of this Tribunal dt. 17.6.1993 in O.A.No.947/90 and hence the similar relief has to be afforded to the applicant herein also. In view of the above, the following directions are issued.

- (i) 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 O.A.No.947/90 in the select-list provided there is a post available to accommodate him,
- (ii) This order has to be implemented within 3 months from the date of receipt of this order.

7. The O.A. is ordered accordingly. No costs.

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(R.Rangarajan)
Member(Admn.)

V.Neeladri Rao
Vice-Chairman

Dated 21 Jan., 1994.

Deputy Registrar (J)

To

1. The Secretary, Ministry of Defence, Union of India, New Delhi.
2. The General Manager, Ordnance Factory Project, Yeddumailaram, Medak.
3. One copy to Mr.G.Parameswara Rao, Advocate, CAT.Hyd.
4. One copy to Mr N.v.Raghava Reddy, Addl.CGSC.CAT.Hyd.
5. One copy.
6. One spare copy.

pvm