

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.195 of 1993

DATE OF JUDGMENT: 9th March 1993

BETWEEN:

Mr. P.V.Munaiah

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Applicant

AND

1. The Secretary,
Department of Atomic Energy, CSM Marg,
Bombay-400039.

2. The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Hyderabad-500782.

3. The General Manager,
Tamilnadu Magnesium and Marine
Chemicals Limited,
Ramananthapuram-623535.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. J.V.Lakshmana Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. V.Bhimanna, Addl.CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri R.Balasubramanian, Member (Admn.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

Heard Mr. J.V.Lakshmana Rao for the applicant and
Mr. V.Bhimanna for the respondents.

2. Nuclear Fuel Complex, Hyderabad (2nd respondent) issued an advertisement calling for applications for the recruitment of Scientific Assistants A/B under Category-III and other categories. In pursuance of the said notification, the applicant herein also applied for the post of Scientific Assistant A/B (Category-III) - (Inspection and Quality Control). His name was in the selected list. But it is stated for the 2nd respondent that for want of vacancies, the applicant and others were not provided with ~~these~~ jobs. In the meanwhile, when the 3rd respondent was in need of Scientific Assistants, the 2nd respondent sponsored the name of the applicant to the 3rd respondent and accordingly the 3rd respondent appointed the applicant. The 3rd respondent issued a notice dated 4.2.1993 ^{for} terminating the services of the applicant after the expiry of one month from the date of receipt of the order. The said notice was not challenged in this O.A. But even before receipt of the said notice, the applicant sent a letter dated 30.1.1993 to the 2nd respondent requesting them to use their good offices to take up his case with the 3rd respondent by stating that thereby his services can be gainfully utilised in NFC while continuing

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with the employment with the 3rd respondent till such time the present problems are sorted out between the 3rd respondent and the 2nd respondent. Then, the 2nd respondent had given a reply dated 9.2.1993 to the applicant and it is as under:-

"This refers to your letter dt.30.01.93 addressed to DCE(Z) with a copy to DCE(A) regarding taking-up the matter of your continuance of employment with M/s TMML.

You may please note that NFC has no obligation whatsoever in regard to your employment with TMML. Since they are your employers, you may directly take up the matter with them for continuance or otherwise. Your case can be considered with NFC as and when vacancies are available and according to the merit order obtained by you in the panel and its validity thereof.

You may also note that no correspondence in this regard will be entertained."

This OA was filed praying for a direction to the respondents to continue the applicant in service as an empanelled candidate of the 2nd respondent any where and to pass such other order or orders as deemed fit and proper in the circumstances of the case.

3. As already observed, the applicant had not challenged the notice dated 4.2.1993 issued by the 3rd respondent. Any how, this Tribunal will have no jurisdiction for consideration of legality or otherwise of the said notice.

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Copy to:-

Csm Marg,

1. The Secretary, Department of Atomic Energy, Bombay-39.
2. The Chief Executive, Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad-782.
3. The General Manager, Tamilnadu Magnesium and Marine Chemicals Limited, Ramananthapuram-535.
① 1365, Bharathi Nagar, Sethupathi National Highways,
4. One copy to Sri. J.V. Lakshmana Rao, advocate, Flat No. 301, Balaji Towers, New Bakaram, Hyderabad-380.
5. One copy to Sri. V. Bhimanna, SC for Railways, CAT, Hyd.
6. One spare copy.


Rsm/-

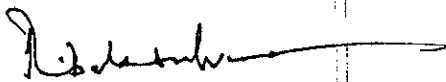
5/10/54
J.D.S.
29/12/53

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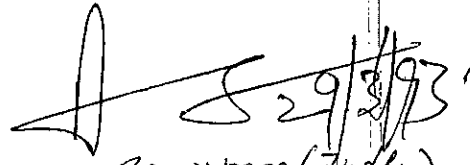
4. It is not stated for the applicant that some of the candidates who are below the applicant in the list of selected candidates were engaged by the 2nd respondent. Even the latter stated in the reply dated 9.2.1993 that the case of the applicant will be considered as and when vacancies are available and according to the merit order obtained by the applicant in the panel and its validity thereof. As the 2nd respondent itself informed the applicant that his case will be considered if vacancy arises for his turn during the validity of the panel, there are no grounds for issuing any direction to the 2nd respondent. Accordingly, the OA is dismissed at the admission stage. No costs.

(Dictated in the open Court).


(V. NEELADRI RAO)
Vice Chairman


(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 9th March 1993.


Dy. Registrar (Jud.)

vsn

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Recd OA-195/93

TYPED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY
HYDERABAD BENCH
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. V. Neelam Rao V.C.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

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

Dated: 9/3/- 1992

ORDER/JUDGMENT:

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

O.A. No.

in
195/93

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

