

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA .525/93

date of decision : 16-6-93

Between

1. Md. Shukhur
2. S.K. Madeena
3. B.V.N. Reddy
4. B. Raja Reddy
5. A. Samba Murthy
6. P. Naghabhushan Rao
7. U. Appalaraju : Applicants

and

1. Flag Officer-Commanding in Chief
Eastern Naval Command
Visakhapatnam

2. Chief Staff Officer (P&A)
Headquarters Eastern Naval Command
Visakhapatnam

3. Admn. Officer (Staff Officer)
(Civilians) Eastern Naval Command
Visakhapatnam

4. Commanding Officer
INS Circars
Naval Base
Visakhapatnam

: Respondents

Counsel for the applicants : P.B. Vijaya Kumar
Advocate

Counsel for the respondents : N.R. Devaraj, Standing
Counsel for Central Govt.

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 P.B. Vijaya Kumar, learned counsel for the
applicants and Sri N.R. Devaraj, learned counsel for the
respondents.

2. This application was filed praying for a declaration that the inaction on the part of the respondents in not considering the case of these seven applicants for appointment as Drivers is arbitrary, illegal and to consequently order their appointment/absorption as Drivers. R-3 in pursuance of the orders of R-1 issued a requisition to the Employment Exchange at Vizag to sponsor candidates for appointment for 10 posts of Drivers. It is interalia stated in the said requisition that the maximum age is 30 years and educational qualification should be middle school.

3. The applicants are Drivers who are being paid from out of non-public fund. It is also their case that they were appointed by the Capt. Commanding Officer. It is also the case of the applicants that their period of service ranges from 3 years to 12 years. It is hence urged that they should be appointed for the posts for which a requisition was issued to the Employment Officer, Regional Employment Exchange, Visakhapatnam. It is also stated for the applicants that the Capt. Commanding Officer addressed a letter dated 28-5-1993 to R-1 requesting him to fill up the above posts by absorbing these applicants by giving relaxation if necessary. It is also stated therein that earlier also such relaxation was given.

4. Sri N.R. Devaraj, learned counsel for the respondents submitted that these applicants are not part of the Establishment of R-1 and they are drivers of the vehicles belonging to some welfare organisation/association of the Naval personnel at Visakhapatnam.

5. It is now well established that it is for the concerned authorities to prescribe rules for recruitment and it is neither for the Court nor for the Tribunal to interfere unless it is .

Copy to:-

1. Flag Officer-Commanding in Chief, Eastern Naval Command, Visakhapatnam.
2. Chief Staff Officer(P&A), Headquarters Eastern Naval Command, Visakhapatnam.
3. Admn. Officer (Staff Officer) (Civilians) Eastern Naval Command, Visakhapatnam.
4. Commanding Officer, INS Circars, Naval Base, Visakhapatnam.
5. One copy to Sri. P.B. Vijaya kumar, advocate, Vijayapratap Apartments, A-9 Achyutha Reddy marg, Vidyanagar, Hyd.
6. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-

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established that there is infraction of Article-14 of the Constitution or that the rules are unjust and unreasonable. It is also well settled that it is open to the Governmental organisations to appoint ^{only} from out of those who are sponsored by the Employment Exchange. It is not even alleged that the requirement in regard to educational qualification or upper age limit as prescribed ^{are} either unjust or unreasonable. Thus, there are no grounds for interference with regard to the procedure adopted by the respondents for recruiting for the posts of Drivers.

6. But as it is stated for the applicants that the concerned authority was already addressed for giving relaxation so as to absorb the applicants for the posts of Drivers herein, it is just and proper to pass the following order :

The respondents are directed to permit the applicants to appear for the tests alongwith those who are sponsored by the Employment Exchange. But if ~~all~~ the applicants or any of them are selected, they should not be appointed unless order in regard to relaxation is received. If no such order in regard to relaxation is received within three months from the date of selection then the remaining posts also ~~be~~ filled from amongst the candidates sponsored by the Employment Exchange. It has to be made clear that there is no bar for issuing orders ~~for~~ ^{of} appointment to such of the candidates sponsored by the Employment Exchange and selected as per the merit list if it does not depend upon consideration of relaxation for such the applicants who may be selected.

No costs.

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

(V. Neeladri Rao)
Vice-Chairman

Dated : June 16, 1993
Dictated in the Open Court

Dy. Registrar (Jh)

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APPROVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI
VICE CHAIRMAN
AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)
AND

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

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

Dated : 16/6/-1993

ORDER/JUDGMENT:

~~M.S. / R.A. C.A. No.~~

In

O.A. No. 525/93

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

Central Administrative Tribunal
DESPATCH
18 JUN 1993
HYDERABAD BENCH.
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