

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1092/94.

Dt. of Decision : 13-12-95.

G. Yerranna

.. Applicant.

Vs

1. The Director of Fisheries,
Survey of India,
Botwal Chambers,
Sri P.M.Road,
Bombay-400 001.

2. The Deputy Director,
Govt.of India, Visakhapatnam Base,
Old Taluk Office, Beach Road,
Visakhapatnam-530 001.(A.P).

.. Respondents.

Counsel for the Applicant : Mr. K. Ratnam

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

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

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



OA.1092/94

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri K. Ratnam, learned counsel for the applicant and Sri N.R. Deyaraj, learned counsel for the respondents.

2. This is an unfortunate case of an applicant who was engaged as Netmender on casual basis since 1979. ~~and who was~~ ~~He is~~ out of job from December, 1985. This OA was filed praying for direction to the respondents to absorb the applicant either as netmender or peon by declaring the inaction of the respondents as illegal, arbitrary and contrary to the

3. The facts which are not in controversy are that the case of the applicant was considered for the regular vacancy in the category of Netmender in 1982, the applicant could not be absorbed as he was second in the panel. As such he was appointed as peon on adhoc basis on 4-5-1982 and again he was appointed as Netmender on adhoc basis on ^{later} 15-3-1984 and ~~again~~ he was shifted as peon on 8-7-84 on adhoc basis. Ultimately the applicant was removed and was discharged on 3-12-1985 and the same was assailed in OA.

268/85 on the file of Central Administrative Tribunal,

Madras, The same was dismissed by order dated 17-12-1985.

The operative portion therein is as under :

"The applicant...
...with the
observation that in respect of any future vacancy, the
applicant's claim will be duly considered."

4. In the penultimate para in the reply statement filed in this OA, it is stated "that the applicants case will be considered for appointment ^{of} any future vacancy if



To

1. The Director of Fisheries,
Survey of India, Botwal Chambers,
Sri P.M.Road, Bombay-1.
2. The Deputy Director, Govt.of India,
Visakhapatnam Base, Old Taluk Office,
Beach Road, Visakhapatnam-1. A.P.
3. One copy to Mr.K.Ratnam, Advocate, 2-3-35/K/3 No.6
Cross Road, Amberpet, Hyderabad.
4. One copy to Library, CAT.Hyd.
6. One spare copy.

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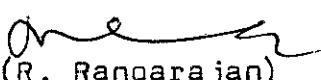
Recruitment rules permit as per orders of Central Administrative Tribunal, Madras Bench, vide order dated 17-12-1985."

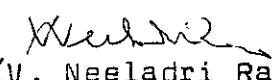
5. The respondents rightly submitted that in view of the observations of Madras Bench as per order dated 17-12-1985, the case of the applicant will be considered in future vacancy. But it is added that his case will be considered if Recruitment Rules permit. It is necessary for the competent authority to consider as per the extant ~~if one is~~ rules in regard to those who are sponsored by Employment Exchange. But in view of observations in Madras Bench order ~~it may be~~ waived in regard to the applicant.

6. Normally, the weightage in such cases will be given in regard to maximum age to the extent to which one works. But as this unit ~~is~~ happens to be small unit, ~~even though~~ ~~respondent is very~~ ~~a small unit is preferred~~ to consider the case of the applicant, it could not be done for a decade ~~for~~ want of vacancy. Keeping in view that vacancy had not arisen for a decade, we feel that it is just and proper to direct the respondents to relax the maximum age in regard to the applicant for consideration of his case for appointment to the post of Netmender/Peon ~~as~~ and when vacancy arises.

7. In the result, the OA is ordered as under :

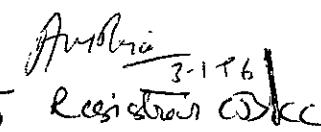
The case of the applicant had to be considered for appointment as Netmender/Peon in accordance with the Recruitment Rules by relaxing in regard to sponsoring by Employment Exchange ~~in regard to the applicant and also~~ in regard to maximum age. No costs.//


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dt. December 13, 95
Dictated in Open Court

sk


Deputy Registrar 3-1-96
OBC

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 13 - 12 - 1996

ORDER/JUDGMENT

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

in

O.A.No. 1092/94

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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