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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 944/94.

Dt. of Decision : 24.1.95.

1. P.Prabhakar Reddy
2. A.Prabhu
3. B.Rajeswar Goud
4. V.Prakash

.. Applicants.

1. General Manager,
Ordnance Factory Project,
Govt. of India, Ministry of
Defence, Yeddumailaram,
Medak District.

2. District Employment Officer,
Sangareddy, Medak District.

.. Respondents.

Counsel for the Applicants

Counsel for the Respondents

: Mr. N.V.Ramana, Addl. CGSC.

Mr. J. V. Reddy Krishna murthy
Sd/- Counsel for

CORAM:

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

THE HON'BLE

MEMBER (ADMIN.)

(21)

OA 944/94

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

Dt. 24-1-95

Heard Shri S. Lakshma Reddy, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the Respondents.

2. R1 issued a ~~notification~~ to R2, the District Employment officer requesting the latter to sponsor the names for 20 posts of Mill Wright Mechanic (Semi-skilled). Selection was made from amongst the names submitted by R2 and the panel dated 22-4-94 was prepared for 10, as per proceedings No. 09225/Admn./Ordinance Factory project/Medak/91 dated 22-4-91. The applicants 1 to 4 are at sl. Nos. 2, 10, 5 & 8 respectively in the said select list. But when the applicants were not given appointments for the said post, even though their names were included in the select list, they filed this OA praying for direction to the Respondents to issue appointment orders to them for the posts of Mill Wright Mechanic (semi-skilled).

3. It is stated for the Respondents that 6 candidates had undergone apprenticeship in R1 organisation for 3 years and on completion of their training they were appointed for the posts of Mill Wright Mechanics in between 8-3-94 and 5-7-94. The further contention for the Respondents is that no other vacancy in the post of Mill Wright Mechanic is now ~~more~~ available in R1 organisation. // It is even stated for the

Respondents that there was no obligation either under Apprentices Act, 1961 or the notification issued by R1 organisation in 1990 to give order of appointment to the trainees even if they are found suitable. Thus when 10 were already empanelled for the posts of Mill Wright Mechanics even in 1991 and when 6 vacancies were available R1 should have appointed the first 6 in the panel dated 22-4-91 instead of appointing trainees who had undergone training in R1 organisation. Thus when the first 6 in the panel dated 22-4-91 have a right over these who are appointed between 8-3-94 and 5-7-94, (the names of those 6 were referred to in para 5 of the reply statement), it is just and proper to direct R1 organisation if necessary by creating supernumerary posts to appoint the applicants 1&3 who are at Sl. Nos. 2&5 in the selection list dated 22-4-91 for the posts of

4. It is submitted for the applicants 2&4 that the others in the select list dated 22-4-91 got jobs elsewhere and hence they are not interested in having jobs in R1 organisation. If it were to be so it is open to these two applicants to file a MA in this OA after getting the necessary affidavits from others in the said panel dated 22-4-91 and if such a M.A is going to be filed in this OA it will be considered in accordance with law.

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

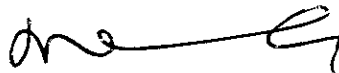
R1 has to issue orders of appointment to the applicants 1&3 for the posts of Mill Wright Mechanics by 1-5-95 if necessary by creating supernumerary posts failing which the two applicants will be entitled to the salary and emoluments for the said

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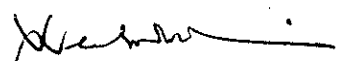
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post from 1-5-95. As and when the applicants 1&3 are appointed, they have to be placed as seniors to Shri N. Rajasekhar & other 5 apprentices ^{as new right mechanics} who were appointed from 8-3-94 to 5-7-94. The applicants 2&4 ^{are free} have to file M.A if so advised and if they are going to get affidavits from the others in the panel dated 22-4-91 to the effect that they are not interested in having the job in R1 organisation in pursuance of their empanelment in the list dated 22-4-91. If so filed, the same will be considered in accordance with law.

6. No costs. /



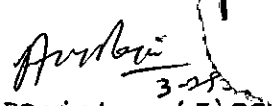
(R. RANGARAJAN)
MEMBER (ADMN.)



(V. NEELADRI RAO)
VICE-CHAIRMAN

(Open court dictation)

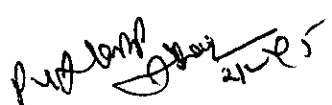
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Deputy Registrar(J)CC

To

1. The General Manager, Ordnance Factory Project, Govt. of India, Ministry of Defence, Yeddumailaram, Medak Dist.
2. The District Employment Officer, Sangareddy, Medak Dist.
3. One copy to Mr. S. Lakshma Reddy, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
5. One copy to Mr. I. V. Radhakrishna Murthy, Spl. Counsel for A.P. Govt. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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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.M.N)

DATED: 24-1-1995

ORDER/JUDGMENT:

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

in

O.A.No. 944/94

T.A.No. (w.p.)

Admitted and Interim

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

NO SPARE COPY

Central Administrative Tribunal
DESPATCH

13 FEB 1995

HYDERABAD BENCH