

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No.1110/94.

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Date: 19--8--1997.

Between:

G. Aruna Kumari.. .. Applicant

And

1. Director, Government of India,  
Ministry of Agriculture, Southern  
Region Farm Machinery Training  
and Testing Institute, Garladinne 515 7 31,  
Ananthapur District.
2. Secretary to Government of India,  
Ministry of Agriculture,  
Krishi Bhavan, New Delhi.. Respondents.

Counsel - - - - -

Counsel for the respondents: Sri V.Bhimanna.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J).

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A).

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The applicant in this O.A., is an Upper Division Clerk promoted to that Grade in February, 1992. It is stated that she <sup>is</sup> ~~will be~~ the seniormost U.D.C., under the 1st Respondent. A Notification for filling up the post of Store-keeper was issued in the Employment News dated 13/19 August, 1994 which is enclosed as Annexure I to this O.A. As per the Notification one post of Store-keeper in

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the Pay Scale of Rs.1400--2300 is to be filled up for which applications were called for from the open market. The age and Educational qualifications have been indicated in para 5 of that notification. The applicant submitted a representation to the Respondent No.1 requesting for cancellation of the notification for direct recruitment on the plea that the post of Store-keeper is a <sup>lower</sup> ~~lower~~ post and in case it is filled in ~~that post~~ by direct recruitment her promotional opportunities will be jeopardised. It is stated that representation is still to be replied.

This O.A., is filed to set aside the impugned notification calling for the applications for filling up the post of Store Keeper by direct recruitment declaring it as unconstitutional, illegal, with a malafide intention to stall further promotional avenues for the feeder grade officials and for consequential direction to Respondent No.1 to consider her case who is senior most in the cadre of U.D.Cs., for the said post without insisting any service conditions with all consequential benefits.

The recruitment rule for filling up the post of Store Keeper is enclosed at page 18 of the O.A. filling up The recruitment rule for the post of Store Keeper provides either by promotion, failing which by transfer on deputation, failing both by direct recruitment. The case of the applicant falls under the promotional quota.

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For giving promotion from the post of U.D.C., to the post of Store Keeper five years' regular service in the Grade is required. As the applicant was promoted as U.D.C., only in February, 1992 she has not fulfilled the condition for occupying the post of Store Keeper by promotion when Notification in the the/Employment News (Annexure I to the O.A.,) was issued. The applicant submits that in view of the fact that the post of Store Keeper is a <sup>lower</sup> ~~lower~~ post, the service eligibility should not be insisted upon and that she should be considered for that post even though ~~that~~ she is shorter of two years for getting the necessary service eligibility condition for promotion to the post of Store Keeper. she has filed a representation addressed to the 1st respondent on 24--8--1994 (Annexure 2 Page 13 of the O.A.)

When the case came up for hearing we ~~have~~ asked the learned counsel for the respondents whether the post has been filled up by direct recruitment or not. The learned counsel for the respondents submitted that there is a ban for direct recruitment and that the post is yet to be filled up. In view of the present position that the post is yet to be filled up by direct recruitment, we feel that the filling up of the post <sup>of</sup> Store Keeper be delayed <sup>by</sup> for a few more months till the disposal of the representation of the applicant.

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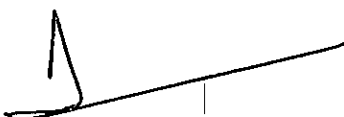
The above view was taken by us in view of the fact that the notification was issued in the year 1994 and already three years <sup>have</sup> elapsed and that post is <sup>yet</sup> to be filled up by resorting to the Notification (Annexure I to the O.A.). An interim order has also been issued in this O.A., on 7--9--1994 which reads as under:

"Until further orders, the post of Store Keeper in R-1 organisation should not be filled up by direct recruitment. It is for the respondents to consider as to whether in view of this interim order it is desirable not to take steps for conducting the interview for the said post until further orders, if the eligible candidates who applied for the said post are not yet informed about the date of interview..."

In view of the above, the following directions ~~are~~ are given:

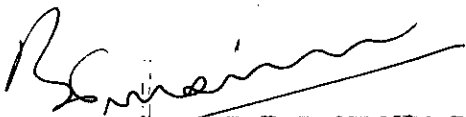
- i) The Respondent No.1 should dispose of the representation of the applicant dated 24-8-1994 within a reasonable time. In case her <sup>be</sup> representation ~~has already~~ been considered in her favour, she should give an undertaking that she will discharge all the duties prescribed for the post of Store Keeper without any reservations


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ii) In case the direct recruitment is<sup>h/c</sup> resorted to, <sup>the</sup>  
~~same~~ of the representation of the applicant  
dated 24--8--1994.

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

  
B.S. JAI PARAMESHWAR,  
MEMBER (J)  
(989)

  
R. RANGARAJAN,  
MEMBER (A)

Date: 19--8--1997.  
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Dictated in open Court.

  
D.R. (5)

19/8/97  
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TYPED BY  
COMP. RED. BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.R. GARGAN : M (A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
(M) (3)

Dated: 19/8/97

ORDER/JUDGEMENT

M.A/R.A/C.A.NO.

in

G.A.NO. 1110/94

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal देशपत्र/DESPATCH 28 AUG 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
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