

C3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : AT HYDERABAD.

O.A.NO. 1563 OF 1994.

Between:-

G. Srinivas Rao, S/o. G. Malleshwar Rao,  
aged about 34 years, Unemployed, R/o.  
18-8-254/52, Saidabad, Hyderabad. ... Applicant.

And

1. The Director, D.L.R.L., Chandrayangutta,  
Hyderabad.
2. The Senior Administrative Officer,  
D.L.R.L., Chandrayangutta, Hyderabad. ... Respondents.

DETAILS OF THE APPLICATION:

1. Particulars of the Applicant:- The address of the applicant for the purpose of service of all notices etc., is as given in the cause title and that of his counsels M/s. K. Ananth Rao, T. Chakravarthy, & K. Seetha Devi, Advocates, New Malakpet, Hyderabad.
2. Particulars of the Respondents:- The addresses of the respondents for the purpose of service of all notices etc., is as given in the cause title.
3. Particulars of the Order against which the application is made:-
  - i) Order No. : Nil.
  - ii) Date of Order : Nil.
  - iii) Passed by : Nil.
  - iv) Subject in brief : This application is filed aggrieved by the action of the respondents in not appointing the applicant as a Junior Scientific Assistant, Grade-II though he had been selected for the same-Regarding.

4. Jurisdiction:- The subject matter of this application comes within the jurisdiction of this Hon'ble Tribunal,

*U/s. 14 of the CAT Act, 1985*

Contd..P;2.

5. Limitation:- This application is filed aggrieved by the action of the respondents in not appointing the applicant herein as a Junior Scientific Assistant Grade-II though he had been selected in the selection held during the years 1993-94 and hence the same is within limitation.

6. Facts of the Case:- The applicant begs to submit as follows:

a) The applicant submits that the respondents herein had called for candidates from the employment exchange for filling up posts of Junior Scientific Assistants Grade-II in the respondent's organisation. The applicant herein who had been enrolled as a candidate in the employment exchange was sponsored for being considered for the said post. The applicant was among the 40 candidates sponsored by the employment exchange. A written examination for the said post was held by the respondents on 22.8.1993. After being successful in the same the applicant herein was called for an oral interview held on 26.10.1993. Accordingly the applicant herein had attended the said interview and has reliably learned that he was selected for the said post. This would be clear from the said purpose. Though the applicant herein had been selected, the applicant understands that none of the candidates were given appointment orders though the selection was meant to fill up five posts of Junior Scientific Assistants Grade-II. The applicant further submits that though there had been a regular selection the respondents have ignored the selection and are managing the jobs by appointing persons on temporary stop-gap arrangements of persons who are not in the selection process but brought from the back door. Aggrieved by this action of the respondents the applicant herein is constrained to invoke the jurisdiction of this Hon'ble Tribunal.

-: 3 :-

b) The applicant submits that he is a ~~graduate~~ in Mechanical Engineering and is fully eligible for appointment to the post of Junior Scientific Assistant Grade-II. He was registered with the employment exchange and he had been sponsored for being considered for appointment to the said post. The applicant had passed a written examination and had been called for the oral interview and believes that he had been selected for the said post. The applicant submits that he is a B.C. Candidate and hence he is fully entitled for being appointed to the said post.

c) The applicant submits that the action of the respondents in not making appointments to the post of Junior Scientific Assistants Grade-II though selections were made is highly illegal and untenable in law. The action of the respondents is violative of Articles 14 and 16 of the Constitution as without appointing duly selected candidates the respondents seem to be carrying on the needs by resorting to daily wage appointments which is highly discriminatory and illegal.

d) The applicant further submits that the action of the respondents in not appointing the ~~pp~~ applicant even though he had been duly selected amounts to violation of his fundamental rights of right to life enshrined under Article 21 of the Constitution of India and hence the same is untenable in law.

7. Details of the remedies exhausted:- The applicant herein having no other effective alternative remedy to prevent the gross miscarriage of justice and hence he is constrained to invoke the jurisdiction of this Hon'ble Tribunal.

8. Matters not pending before any Court of Law  
The applicant had not filed any case in any court of law with regard to the subject matter of this application.

9. Relief Sought:- In view of the facts and circumstances stated above, the applicant herein prays that this Hon'ble Tribunal may be pleased to call for the connected records and direct the respondents to appoint the selected candidates to the post of 8 Junior Scientific Assistants Grade-II on the basis of selection and interview held in October 1993 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.

10. Interim Relief:- Pending disposal of the main application the applicant herein prays that this Hon'ble Tribunal be pleased to direct the respondents not to make any fresh selections or temporary appointments to the post of Junior Scientific Assistants Grade-II as otherwise the applicant would be put to irreparable loss and grave suffering.

11. Particulars of the Postal Order in respect of the application fee:-

- 1) No. of the Postal Order: 97/185
- ii) Date of the Postal Order: 13.12.93
- iii) Postal Order at which payable: G.P.O. Hyd.

12. List of Enclosures:-

- 1. Vakalat:
- 2. Postal Order:
- 3. Material Paper(s):

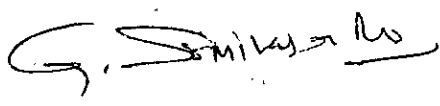

Rs. 50/- A

~~U.P.O. 18-8-254/52~~ - Remove

V E R I F I C A T I O N:

I, G. Srinivas Rao, S/o. G. Malleshwar Rao, aged about 34 years, Unemployed, R/o. 18-8-254/52, Saidabad, Hyderabad, do hereby verify that the contents of above paras are true to my personal knowledge and that I have not suppressed any material fact.

Hyderabad,  
Date : 12.9.1994.

  
SIGNATURE OF THE APPLICANT.  
  
COUNSEL FOR THE APPLICANT.

Grame : DEFELECTRONICS.

Phone : 2 3 9 6 7 7.

No. DLRL/EST/JSA-II/413252.

Government of India  
Ministry of Defence  
Research & Development Orgn.  
DEFENCE ELECTRONICS RESEARCH LAB.  
Chandrayanagutta Lines  
HYDERABAD - 500 005.

Dated : 22th September, 1993.

To

S/Shri/Smt/Kum.

G. SRINIVAS RAO  
H.NO. 18-8-254/52, RAKSHAPURAM  
SAIDABAD  
HYDERABAD - 500 659.

Subject:- INTERVIEW FOR THE POST OF JSA GDE-II

Reference:- Written examination held on 22.8.1993 at  
Defence Labs School, Kanchanbagh, Hyderabad.

. . . . .

With reference to your written examination, held on 22.8.1993, at Defence Labs School, Kanchanbagh, Hyderabad, you are hereby informed that you have been declared successful in the above said written examination and have become eligible to appear for the oral interview. The oral interview for the above said post will be held at this Laboratory on 26.10.93 at 0900 hours.

2. If you are interested in appearing for the interview, you are requested to report at this Laboratory on the above said date and time alongwith your original testimonials and original Employment Exchange Registration Card. In the absence of original Testimonials and Employment Exchange Registration Card, please note that you will not be allowed to appear for the interview and no representation will be entertained in this regard.

Sd/-x x x x x x x x x x x,  
Senior Administrative Officer  
for DIRECTOR.  
(PS RANDHALA).

// True Copy //

*Kant*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
O.A.NO.1563 OF 1994

Between:

G Srinivasa Rao

...Applicant

and

The Director

DLRL, Chandrayanagutta

Hyderabad and another

...Respondents

*Reply Statement*

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS

I A RATNA DAS S/o Late Shri A Bhushanam aged 45 years, working as Senior Administrative Officer Gde-I in Defence Electronics Research Laboratory, Hyderabad-5 solemnly affirm and state as follows:

1. I am the Senior Administrative Officer Gde-I and Respondent No.2 and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of Respondents as I have been authorised to do so. I have read the copy of the above original application and submit that there are no valid or reasonable grounds in the O.A. The material averments in the O.A. are denied save those that are admitted hereunder. The applicant is put to strict proof of all such averments except specifically admitted hereunder:

2. The averments in paragraphs 1 to 5 need not be replied as they are formal and procedural in nature.

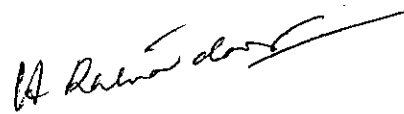
3. In respect of the averments in para 6 (a) it is submitted that a notification to fill seven vacancies of JSA Gde-II in the subject Electronics and one unreserved vacancy of

ATTESTOR

DEPONENT



जी. वी. एस. मूर्ति G.V.S. MURTHY  
प्रशासन अधिकारी ADMIN. OFFICER  
र.इ.अ.प्र. D.L.R.L. हैदराबाद HYD-500005.



A Ratnadas,  
Senior Administrative Officer-I  
(Ministry of Defence; Govt. of India),  
Defence Electronics Research Laboratory  
HYDERABAD 500 005. (A.P.)

JSA Gde-II in the subject Mechanical Engineering was placed on the Employment Exchange (Technical), Hyderabad vide Director, DLRL letter No. DLRL/EST/JSA-II/413252 dated 29.7.92 and 9.9.92 requesting the Employment Officer (Technical) to sponsor the names of suitable candidates to these posts. Accordingly, the Employment Officer (Technical) had sponsored the names of 23 candidates for the post of JSA GDE-II in the Mechanical Engineering. All the candidates in the subject Mechanical Engineering sponsored by the Employment Officer and one Departmental candidate were called for written examination held on 22.8.93. The candidates who were called for oral interview in the written examination were called for oral interview on 26.10.93. The applicant was one of the candidates sponsored by the Employment Exchange (Technical), Hyderabad and was also called for written examination and oral interview on 22.8.93 and 26.10.93 respectively. The statement of the applicant that he has reliably learnt that he was selected to the post of JSA Gde-II (Mechanical Engg.) is totally baseless and cannot be accepted. The selected candidate to the post in Mech.Engg. discipline was on 22.12.93. It is further submitted that the applicant that none of the candidates were given appointment orders even after their selection is not correct. The applicant may be put to strict proof about the allegation made by him in the application saying, "the respondents ignored the selection and managing the jobs by appointing persons on temporary stop-gap arrangements of persons who are not in the selection process but brought from the back door".

4. In respect of the averments in para 6(b) of the OA it is to state that the selection of the candidate to the post of JSA II (Mech.Engg.) was done by a qualified Board of Officers.

ATTESTOR

DEPONENT



जी. वी. एस. मूर्ति G.V.S. MURTHY  
प्रशासन अधिकारी ADMIN. OFFICER  
र.इ.अ.प्र. D.L.R.L. हैदराबाद HYD-500005.

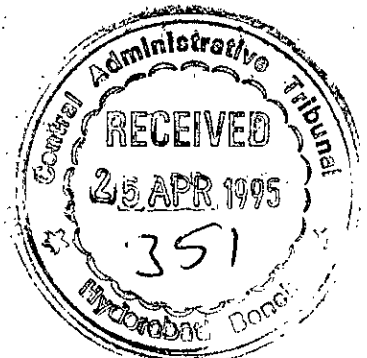


A Ratnadas,  
Senior Administrative Officer-I  
(Ministry of Defence, Govt. of India),  
Defence Electronics Research Laboratory  
HYDERABAD - 500 005, (A.P.)

Before CAT  
AT Hyderabad.

CA 1563 794

Reply Statement -

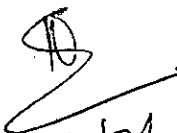


Filed on: 25.4.95

Filed by:

Kota Bhaskara Rao  
Addl. CLS.

Received copy of  
Conty

  
14/7/95

W.C. Anand  
Advocate

Nemo of appearance filed

May be filed  
on  
25/4/95