

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

17

HYDERABAD BENCH : AT HYDERABAD

OA 35/94.

Dt. of Order:24-1-94.

P.Sudarsana Rao

....Applicant

Vs.

1. Flag Officer, Commanding-in-Chief, Head Quarters, Eastern Naval Command, Visakhapatnam.
2. Chief Staff Officer, Personal & Administration, Head Quarters, Eastern Naval Command, Visakhapatnam.
3. Commanding Officer, I.N.S.Circars, Naval Base, Visakhapatnam.
4. Staff Officer (Civilians), Naval Base, Visakhapatnam.
5. The Regional Employment Officer, Visakhapatnam.

....Respondents

* * * *

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N. R. Devaraj
Sd. CGSC

* * * *

CORAM:

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

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

* * * *

...2.

15/10
K

18

OA.35/94

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

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

2. The applicant was appointed as clerk in Command Non-Public Transport Organisation and working there since last three years on a consolidated salary . The appointment order was issued by Commanding Officer, INS Circars, on 20-11-1990.

3. R-1 issued requisition to the Employment Exchange for sponsoring the names for filling Ammunition Mechanic (AWS) and the qualification prescribed for the said post is matriculation or Higher Secondary or PUC with Physics and Chemistry.

4. The employment Officer sponsored the names of some candidates for the said post. The name of the applicant was not sponsored for the same.

5. The applicant contends that he is first class B.Com. Graduate with Higher Grade Typewriting and even though the post referred to is mentioned as Mechanic, it in fact is not a mechanical one and is only a clerical job and he is fully eligible for the said post, and hence his name also should be considered for the post of AWS. It is also urged for the applicant that he is going to complete 25 years and if he is not going to secure a job now there is no possibility for him to get any job in any Governmental service in any Governmental Organisation as he will be age barred.

18/10/94

19

6. It is submitted by Sri N.R. Devaraj, learned Standing Counsel for the Respondents that the applicant is paid out of the Presidents Service Institute Fund which is a non-public fund and thus he is not even the adhoc employee of Navy. It is open to any employer to recruit the candidates from only out of the candidates sponsored by the Employment Exchange and it is not contrary to the Article 14 of the Constitution. If the applicants claim is accepted then it ~~individual~~ ^{to claim} who is not sponsored by the Employment Exchange, that his case ~~is~~ ^{should be} also considered for the same.

7. It is now well established that any recruitment rule to the effect that candidates sponsored from the Employment Exchange alone have to be considered for the post is not in violation of Article 14 of the Constitution and it is valid. When the applicant was not sponsored by the Employment Exchange, he cannot have any right for being considered for the posts of AWS which are to be filled from out of the candidates sponsored by the Employment Exchange only.

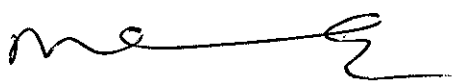
8. The applicant is relying upon the order of this Bench in OA.525/93 wherein this Bench Directed the respondents therein to interview the applicant referred to therein alongwith the candidates sponsored by the employment exchange, to urge that a direction can be given to the respondents to permit them to interview the applicant herein alongwith the candidates sponsored by the Employment Exchange. Ofcourse, the applicant therein also were employees of non-Governmental organisation but ~~therein~~ ^{the} Union of India was addressed for relaxation of recruitment rules and hence pending consideration of the same we direct that the applicant, therein may also be interviewed and if selected appointment should

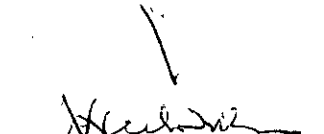
300/90
g/s

20

not be given unless the rule is relaxed. But in this case there is not even a whisper to the effect that the Union of India is addressed for relaxation of the recruitment rules in regard to the post of AWS. Hence, the judgement in OA.525/93 does not support the contention for the applicant.

9. In the above view there is no need to consider as to whether in fact the post of AWS is a Mechanical or Clerical one. The applicant is having a requisite qualification for the post. Thus this OA does not merit consideration and accordingly it is dismissed at the admission stage. No costs.


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : January 24, 94
Dictated in the Open Court


Deputy Registrar (Judl.)

sk

Copy to:-

1. Flag Officer, Commanding-in-Chief, Head Quarters, Eastern Naval Command, Visakhapatnam.
2. Chief Staff Officer, Personal & Administration, Head Quarters, Eastern Naval Command, Visakhapatnam.
3. Commanding Officer, I.N.S. Circars, Naval Base, Visakhapatnam.
4. Staff Officer (Civilians), Naval Base, Visakhapatnam.
5. The Regional Employment Officer, Visakhapatnam.
6. One copy to Sri. P.B. Vijaya Kumar, advocate, Advocates Associations, High Court Buildings, Hyd.
7. One copy to Sri. N.R. Devaraj, SR. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

later signed PSL
8/31/94

0-11-35/94

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

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

AND

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

Dated: 24/1/1994

~~ORDER/JUDGMENT:~~

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

O.A. No. ⁱⁿ 35/94

~~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

Handwritten signature and date 24/1/94

Central Administrative Tribunal
DESPATCH
3 FEB 1994
HYDERABAD BENCH.