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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 455/94

Date of decision: 6.5.97

Between:

1. G. Gangaiah
2. G. Kailasam
3. Democratic Yough Federation
of India,
Chittoor District Committee,
President: NV Sivanandam. ... Applicants

And

1. General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. Dy. Chief Mechanical Engineer,
Carriage Repair Shop,
Tirupathi.
3. Carriage Repair Shop,
Thirupathi, Chittoor. ... Respondents
Sri P. Sridhar Reddy ... Counsel for applicant
Sri V. Rajeswar Rao, ACGSC ... Counsel for respondents

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HON'BLE SHRI RA. RANGARAJAN, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI B.S. JAI PARAMESWAR, MEMBER (JUDICIAL)

JUDGEMENT

(Per Hon'ble Shri R. Rangarajan, Member (Admve.))

None for the applicant. Shri V. Rajeswar Rao for the respondents.

2. There are three applicants in this O.A. It is stated that applicants 1 and 2 are unemployed youths and they are challenging the recruitment notification for the post of Skilled Artisan dated 17.3.93. Applicant No.3 is reported to be representative of the Democratic Youth Federation of India, Chittoor District Committee, Tirupathi. This Federation,

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though states that it is ~~espousing~~ the cause of unemployed youth, the eligibility of that applicant to associate in this O.A. is not clear. However, as the joint application had already been allowed, we do not make any comments in this connection. The main contentions of the applicants in this OA are as follows:-

(1) The impugned notification dated 17.3.93 does not indicate the number of vacancies to be filled.

(2) The notification does not make any reservation for SC/ST/Physically Handicapped and Backward Class. Hence it has not followed the Mandal Commission Rule providing for 27% reservation for Backward Class candidates.

(3) The respondents cannot limit their requisition only to the Chittoor Employment Exchange and it should have been given wide publicity.

(4) The posts itself were not created and hence the notification for filling up the posts is irregular.

3. In view of the above reasons this OA has been filed for setting aside the impugned notification for recruitment notification dated 17.3.93 and for a consequential direction to respondents to issue valid employment notice duly reserving posts for SC/ST/Ex-servicemen/Backward Class, as provided for in the Constitution.

4. A reply has been filed in this O.A. The main points to be noted in the reply are:-

(1) The Mandal Commission Report was to be implemented as per the Board's letter with effect from 8.9.93. The impugned notification was issued on 17.3.93, earlier to the notification of the Railway Board for implementation of the Mandal Commission Report. Hence the applicants herein cannot

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impugne the notification proceedings on the basis that the reservation for Backward Class is not provided in the notification. Further the requisition placed on the Employment Exchange clearly states the SC/ST candidates to be supplied to fulfil the obligations of reservation. Hence they cannot say that the notification was issued without considering the constitutional provisions. As the posts are safety posts there is no reservation for Physically Handicapped.

(2) The assessment of the vacancies for increasing the units from 70 to 100 was done at the zonal level of the Railways and proper concurrence was obtained from the Associated Finance. Hence it cannot be stated that the posts were not created and the notification has to be set aside. The concurrence itself is sufficient to go in for recruitment as the lead time for recruitment is high.

(3) As per the instructions in vogue only the employment exchange governing the Workshop is to be addressed for the purpose of sponsoring candidates. In the present case the proper employment exchange addressed is Chittoor Employment Exchange and hence that Exchange was contacted for sponsoring candidates. Hence it cannot be stated that taking sponsorship only from Chittoor Employment Exchange is incorrect or irregular.

(4) While approaching the Employment Exchange at Chittoor necessary details in regard to the number of vacancies to be filled, the number of reserved candidates to be supplied and such other details were given. As it was not an open notification the details were not known to the applicants and hence they approached the Tribunal without proper details. Hence the allegation that the number of recruits and other details were not given in the notification and hence it is void, is not a tenable contention.

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(5) R-2 has approved the notification and also approved the proposal for placing indent on the Chittoor Employment Exchange for sponsorship of candidates. R-2 is the competent authority so far as recruitment in the workshop is concerned as per the requirement and hence his competency cannot be questioned.

5. No rejoinder has been filed in this O.A. The force. We do not find any irregularity in issuing the impugned proceedings. The allegations of the applicants are only vague. Those allegations cannot be a reason for setting aside the impugned notification. We do not find any merit in this O.A. Hence the OA is dismissed.

B.S.Jai Parameswar
Member (J)

(65-2)

R. Rangarajan
Member (A)

6th May, 1997
Dictated in Open Court

AMBI (3-5-97)
Dy Regs 5/1997

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.G.JAI PARAMESHWAR:
M(J)

DATED: 6/8/97

ORDER/JUDGEMENT

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

D.A. NO.

BC stay

ADMITTED INTERIM DIRECTIONS ISSUED

ALLOWED

DISPENSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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II COURT

