

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 577/94.

Dt. of Decision : 5-9-94.

A. Bakka Reddy

.. Applicant.

Vs

1. The Chief Engineer (Project) FY,
Ministry of Defence,
Govt. of India, Parade Grounds,
Secunderabad - 3.

.. Respondent.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondent : Mr. N.V. Ramana, Addl. CGSC

CORAM:

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

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

..2

R. J.

(93)

OA.577/94

Judgement Order

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri P. Naveen Rao, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. A requisition was issued by the respondents herein to the District Employment Officer, Medak District, requesting him to sponsor the names for the posts of Peons in the Military Engineering Service (MES) under his jurisdiction. In the said requisition, the educational qualifications and age were referred to as eighth standard and between 18 and 25 years. The names of number of candidates including that of the applicant ^{were} ~~was~~ sponsored in pursuance of the said requisition. The ranking of the applicant is 18 out of 40 persons empanelled after the interview.

3. Though the applicant was empanelled in the Select list, he was not given order of appointment on the ground that ~~he~~ crossed 25 years by the date orders of appointment were issued to the candidates empanelled therein. When the applicant in OA.135/91 was also ^{not} given order of appointment, ~~eventhough~~ his ranking was 14 in the said Select list of 40, on the ground that he too crossed 25 years by the date of issual of appointment orders ^{to those} ~~who~~ were below 25 years and who were within that panel, the said OA i.e. OA.135/91 was filed praying for direction to the respondents for giving order of appointment to him.

(24)

The said OA was disposed by this Bench of which one of us i.e. VC is ^{the respondent} ~~the party~~, by judgement dated 28-7-1993 by holding that one who satisfies the maximum age limit by the date the list was sent by the Employment Officer and the respondent ^{is not} ~~is hard~~ in ^{holding} ~~altering~~ that one should be within the maximum age by the date of ^{issuance} ~~receipt~~ of the order of appointment ~~issued~~. We further held that ^{in such cases} ~~if~~ sanction of the Head of the Department had to be obtained under Article 51 of the Civil Services and Regulations (CSR) Vol.I, ^{then} such relaxation had to be given or else the said article had to be read to the effect that the person whose age exceeds 25 years as on the last date of receipt of the applicant/date of receipt of the list from the Employment Exchange, may ~~not~~ ordinarily be entertained ^{into} ~~in which~~ the pensionary service of the State without sanction of the Head of the Department.

4. It is not ^{the} ~~a~~ case of the respondent that the applicant crossed 25 years by the date the list was received from the Employment Exchange. ^{For} ~~for~~ the reasons stated in the judgement dated 28-9-1993 in OA.135/91, this OA had to be ^{allowed} ~~altered~~ as prayed for, submitted the learned counsel for the applicant.

5. But in the reply filed in this OA, it is stated that this OA is barred by limitation. But it is contended that it cannot be held that there is delay, for this OA is filed within one year from the date of the judgement in OA.135/91 wherein the relevant provision is clarified.

6. It may be noted that the applicant is without job and one may not venture to move this Tribunal unless there is a specific provision in support of the case of

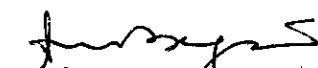
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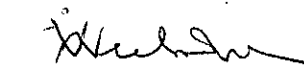
(25)

the applicant or that the same position is clarified if it was in fluid state earlier. ^{As} We feel ~~as~~ it is the case where the applicant was selected and when he was given ranking at Sl.No.18, and when it is submitted for the respondent that even those who were next in ranking to Sl.No.18 were appointed and when the position was clarified by this Bench only in September, 1993, we feel it not a case where the OA had to be thrown out on the ground of laches.

7. For the reasons stated in OA.135/91 dated 28-7-93, the respondent is directed to appoint the applicant on the basis of his empanelment in the year 1985 vide proceedings No.10051/2012/E18 dated 19-4-1985. Time for implementation is by 1st November, 94, ^{before} failing which the applicant is entitled to the salary and other allowances from 1-11-1994.

8. The OA is ordered accordingly. No costs.


(A.B. Gorthi)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : September 5, 94
Dictated in the Open Court


12884.
Dy. Registrar (J) CC

To

1. The Chief Engineer (Project) FY,
Ministry of Defence, Govt. of India,
Parade Grounds, Secunderabad-3.
2. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
3. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
4. One ^{sk} copy to Library, CAT. Hyd.
5. 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

A. B. Gorthi

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

DATE: 5-9-1994

~~ORDER~~/JUDGMENT

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

in

O.A.No. 577/94

(T.A.No.

(W.P.NO

)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

Central Administrative Tribunal

DESPATCH

14 SEP 1994

HYDERABAD BENCH