

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

RA 11/95

in

OA 727/94.

Dt. of Order : 21.4.95

S.S.J.Adityanath

... Applicant

Vs.

1. Union of India, rep. by its Director General, Telecommunications, NEW DELHI-110 001.
2. The Chief General Manager, Telecommunications, Andhra Circle, Hyderabad 1
3. The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyd-33.

... Respondents

* * *

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

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

* * *

CORAM:

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

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

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(Order passed by Hon'ble Shri Justice V.Neeladri Rao,
Vice-Chairman)

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The applicant in O.A.727/94 filed this Review Application as against the Judgement dt.19-10-94 in the Original Application.

2. In 1985, notification was issued by the Hyderabad Telecom ~~for the recruitment of Telecom Officers~~ The applicant also applied for the same and he was selected. When he accepted the offer of appointment he was sent for training on 24-6-85 and the training was over on 7-2-86. The applicant was appointed as Jr.Telcom Officer for two months as per order dt.16-1-87 and the period of appointment was extended from time to time till 1-4-88. By order dt.30-1-89, the applicant was confirmed with effect from 1-4-88 in the post of J.T.O.

3. ~~How was~~
~~Before~~ merger of the Hyderabad Telecom Circle and the A.P.Telcom in 1986. Para-3 of the proceedings No.1-16/82-T-I, refers to "Recruitment-Transfer and postings" reads as under :-

"Recruitment-Transfer and Postings:

Recruitment for all cadres for the entire Secondary Area will be done by the Telecom District GM/District Manager/ District Engineer, according to schedule of powers and, all the new recruits including departmental candidates will have transfer liability over the whole Secondary

Area. The existing staff of the erstwhile Telecom District and the Telegraph Engineering Divisions will also have transfer liability over the entire Secondary Switching area, but to avoid hardship to the individuals such liability for those recruited already to the specific units may be confined only to those units as far as possible taking into consideration individual options. Officials coming under Rule-36 transfer, and those recruited afresh both departmental and outsiders, will however have full transfer liability over the whole area."

3. The applicant filed O.A.727/94 challenging his transfer from a place in erstwhile Hyderabad Telecom ^{over} ~~to~~ a place ⁱⁿ ~~of~~ erstwhile A.P.Telcom ^{Division} ~~Services~~ by alleging that under para-3 referred to supra he cannot be transferred to a place ⁱⁿ ~~of~~ erstwhile A.P.Telcom Circle. It was urged for the applicant in the Original Application that those recruited already as referred to in para-3 means those who were selected and it cannot be held as those who were appointed. We held by order dt.19-10-94 that in the context the word recruited has to be construed as appointed.

4. This Review Application is filed by contending that the word 'recruited' is susceptible ^{of} ~~for~~ only ^{one} ~~wide~~ meaning and in support of the said contention, paras 28 and 29 of the Judgement of the APEX Court reported in 1993(1)SLR 565 (Prafulla Kumar Swain Vs. Prakash C.Misra) ^{over} ~~is~~ referred to. Para-28 and the

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portion of para-29 in the above Judgment, which are relied upon are as under :-

"28. At this stage, we will proceed to decide as to the meaning and effect of the words "recruitment" and "appointment". The term "recruitment" connotes acceptance, selection or approval for appointment. Certainly, this is not actual appointment or posting in service. In contradistinction the word "appointment" means an actual act of posting a person to a particular office.

29. Recruitment is just an initial process. That may lead to eventual appointment in the ~~vacancy~~ ~~vacancy~~ cannot tantamount to an appointment."

The scope of relevant regulations of Orissa Forest Services ~~and~~
(Class-II) considered in the above Judgement. The observations
in para-28 and 29 were made for considering the scope of the
above regulations.

5. We ~~too~~ held in the order dt. 19-10-94 that the word
"recruitment" is ^{also} of wider connotation. We have not considered
scope of any section ~~or rule~~ in the Act ^{or} ~~and of Rules~~. We
considered the scope of the words used in a ~~medium~~ ^{proceeding} keeping in
view the ~~object and aim~~ of the relevant para in the proceedings, we held that word "recruitment" had to be construed as
appointment. We cannot accede to the contention that when the
word "recruitment" is used in a ~~medium~~ or a letter, ^{it has} had to be
understood only in the wider connotation and it cannot be

- 5 -

considered as appointment. Thus it is not established that there is an error apparent on the face of the order dt.17-10-94.

6. Accordingly the Review Application fails. Hence it is dismissed./

UV
(R.RANGARAJAN)
Member (A)

VV
(V.NEELADRI RAO)
Vice-Chairman

Dt. 21st April, 1995.
Dictated in Open Court.

Pushpa 28/4/95
Deputy Registrar (J) CC

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To

1. The Director General, Telecommunications,
2. The Chief General Manager,
Telecommunications, Andhra Circle, Hyderabad-4.
3. The General Manager, Hyderabad Telecom Dist.
Suryalok Complex, Hyderabad-33.
4. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

1995.

ORDER/JUDGMENT:

M.A./R.A./C.A. No. 11/95

O.A. No.

in

T.A. No.

727/95.

(W.P.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

Not for copy

