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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 935/95.

Dt. of Decision: 9-9-96.

R. Venkata Reddy

.. Applicant.

Vs

1. The Union of India, Rep. by its Secretary, Min. of Defence, Dept. of Defence Projects, New Delhi.
2. The General Manager, Ordnance Factory Project, Yeddumailaram, Medak District.
3. The Ordnance Factory Board, Rep. by its Secretary, Ordnance Factory Board, 30/A Auckland Road, Calcutta.
4. V.V. Shyam Prasad. .. Respondents.

Counsel for the Applicant : Mr. Y. Jagan Mohan

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

CORAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr. Y.Jagan Mehan, learned counsel for the applicant and Mr. N.R.Devaraj, learned counsel for the respondents.

2. The applicant is one of the 25 candidates empanelled for the post of Turner under R-2. The applicant was sponsored by the employment exchange for empanelment of Turner and on the basis of the selection, he was empanelled and it is stated that his turn is ~~is~~ 4th in the seniority of the empanelment list. None of the applicants who were empanelled were appointed ~~as~~ ~~expected~~ ~~vacancies~~ ~~not~~ ~~materialised~~. He represented for his appointment in his turn as per the list of empanelment by his representation dated Nov (Page-23 of the OA). He had also given a ~~lawyer's~~ notice in this connection dated 10-12-94 (Page-25 of the OA). But it is stated that no reply has been received to these representations.

3. This OA is filed praying for a direction to the respondents to appoint him forthwith ~~as per~~ his seniority and granting him other consequential benefits.

4. The main contention of the applicant are as follows:-

i) R-4 was appointed as Turner even though the select panel is available for appointment ignoring the applicant herein which is against ~~rules~~. ii) The applicant's name has been deleted from the employment exchange live rolls on the basis of the letter written by the respondents stating that he has been selected for the post of Turner. iii) The posting of R-4 against the existing ~~vacancies~~ is not in order as the existing vacancies have to be filled only by empanelled candidates.

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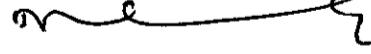
5. In the reply it is stated that R-4 was taken as a Trade Apprentice under the Apprentice Act, 1961 with effect from 2-4-94. He was given specialised training and was designated as Turner (SS). From the office Order No.797 dated 22-4-94 (Page-14 of the OA) it is seen that the pay scale in which R-4 was appointed is Rs.800-1150/-.. This scale is for semi-skilled category. Hence if R-4 is appointed to the semi-skilled category, the applicant can have no grievance as he was selected for the skilled category. However we could not ascertain the nature of the specialised training from the learned standing counsel for the respondents which necessitated posting of R-4 when a panel for appointment in the skilled category is available. Even R-4 was not present inspite of the receipt of the notice and hence the case was to be heard ex parte. However I feel that when a panel for skilled category is available, the candidates in that panel could have been asked whether they are willing to accept the post in the semi-skilled category and if there is response to that, one of the senior most volunteered candidates for semi-skilled category could have been posted against this post instead of taking R-4. In any case I do not propose to give any direction for setting aside the appointment of R-4 for reasons stated in the later paragraphs. In my opinion the respondents have slipped in this matter in regard to the appointment of R-4 without analysing the implications of that appointment.

6. The respondents further state that they have not advised the District Employment Officer, Sanga Reddy District requesting him to delete the name of the applicant from the live register of the Employment Exchange. On the other hand, the learned standing counsel submits that the District Employment Officer was requested to retain the name of the applicants included in the skilled panel till they are appointed. In view of this, there is no need to further go into the contention of the applicant. However, to make sure, the respondents may once again write to the District

Employment Officer regarding retention of the name of the applicant in the live register of the Employment Exchange and also to sponsor him to other organisations as and when they are called for in accordance with rule in view of the fact that the applicant is not yet appointed.

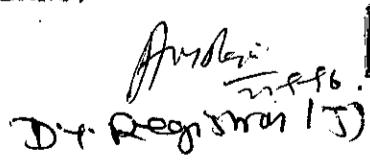
7. The learned standing counsel for the respondents now submits that the life of the panel for the post of Turner issued on 5-2-92 is indefinite and this panel will not be scrapped until all the selected candidates in that panel are absorbed as Turners in the future vacancies. He further submits that the above assurance was also given in OA.No.850/94 decided on 29-7-94. In view of this assurance, the above referred OA was disposed of without any orders. That position holds good in this OA also. The applicant, in view of the above submissions of the learned standing counsel for the respondents, need not have any apprehension that his case for appointment for the post of Turner will go by default due to the passage of time.

8. In view of the above assurance given by the learned counsel for the respondents in para supra there is no further direction necessary in this connection. The application is disposed of noting the submissions of the respondents that the panel published on 5-2-92 shall not be scrapped till all the candidates empanelled in that list are appointed to the post of Turner in their turn and no fresh recruitment will be initiated for appointment to the post of Turner until the panel is exhausted. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 9th Sep. 1996.
(Dictated in Open Court)


Dr. Ranganathan (T)

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OA.935/95.

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Copy to:-

1. The Secretary, Min. of Defence, Dept. of Defence Projects, Union of India, New Delhi.
2. The General Manager, Ordnance Factory Project, Yeddu-mailaram Medak District.
3. The Secretary, Ordnance Factory Board, 30/A Auckland Road, Calcutta.
4. One copy to Sri. Y.Jagan Mohan, Advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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DA-935/95

Typed By
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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

D.A.NO.

in
935/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLF

II COURT

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Central Administrative Tribunal
C.A.T./DESPATCH

- 9 OCT 1995 *W*

Hyderabad Bench
HYDERABAD BENCH