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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1119 of 1995

DATE OF JUDGEMENT: 22nd APRIL, 1998

BETWEEN

M.VISHNU VARDHANA REDDY

.. APPLICANT

AND

1. Ordinance Factory Project,
Eddumailaram, Medak District,
represented by its
General Manager,

2. Shri N.A.Palani, Turner,
Ordinance Factory Project,
Eddumailaram, Medak dist.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI S.LAKSHMA REDDY

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Mr.S.Lakshma Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao, leared standing counsel for the respondents.

2. The applicant is an I.T.I. Turner. He underwent apprenticeship in B.H.E.L, Ramachandrapuram. He registered his name in the Employment Exchange, Medak District, Sangareddy. He submits that the Employment Exchange

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sponsored names for filling up the post of Turner in the Ordinance Factory vide proceedings No.09215/Admin/OPFM/91 dated 13.1.92 (Annexure-II at page 11 to the OA). It is stated that the 1st respondent selected the candidates and prepared a panel of 72 candidates in different categories of posts including the post of Turner. The applicant submits that his name was at Sl.No.8 in the merit list and he was selected for the post of Turner. However no letter of appointment was issued to him.

3. Hence the applicant approached this Tribunal by filing OA 850/94. On 29.7.94 this Tribunal gave direction as under:-

"3. In the result the application is admitted and disposed of with a direction to the respondents to keep the panel prepared pursuance to the proceedings dated 13.1.92 for appointment to the post of Turner alive until those who are included in the panel are appointed and to appoint the applicant in his turn, and not to initiate fresh recruitment action for appointment to the post of Turner until the panel is exhausted and with a direction to the 3rd respondent to restore the seniority of the applicant in the employment exchange for sponsorship.

— No order as to costs."

4. The applicant submits that inspite of the directions, he was not given the letter of appointment and that R-2 who was placed at Sl.No.5 in the impugned proceedings was declared as having completed the probation of two years on 2.8.94. Therefore, the applicant submits

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that the said candidate was initially appointed on 1.8.92, i.e, long after the selection of the applicant and the other candidates and preparation of panel for appointment to the post of Turner. Therefore, he submits that contrary to the direction given in the OA, the Respondent No.2 was appointed as Turner.

5. Hence the applicant has filed this OA to call for the records relating to the appointment of the 2nd respondent and others appointed as Turners during the month of July and August 1992 and whose probation was declared through the impugned proceedings, Factory Order Part.II, dated 24.10.1994 issued by the 1st respondent and quash the same by declaring the appointment as totally illegal and without jurisdiction and for consequential direction to the respondents to appoint him as Turner (Semi-skilled) with all consequential benefits.

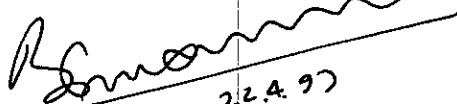
6. The persons who have been included in the impugned proceedings dated 24.10.94 have not been made parties to this OA. Even the 2nd respondent has not at all been served with the notice in this OA inspite of the fact that permission was given to the applicant to take personal notice to R-2. But he has failed to do so. He states that he sent a registered letter which was returned unserved. The reason for return of the registered letter is due to the fact that the address was not correctly indicated on the envelope.

7. In view of the above position, we are of the opinion that the applicant may now submit, if so advised, a

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detailed representation to the respondent-authorities for appointing him and giving him seniority above those whom he alleges to have been appointed as Turners ignoring his rights. If such a representation is received within a period of 15 days from the date of receipt of a copy of this order, then the respondents should dispose of the same in accordance with law within a period of two months from the date of receipt of a copy of that representation after hearing the affected parties.

8. with the above directions, the OA is disposed of.
No order as to costs.


22.4.97
(B.S.JAI PARAMESHWAR)

MEMBER (JUDL.)


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 22nd April, 1998
Dictated in the open court.

vsn


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DA. 1119/95

Copy to:-

1. The General Manager, Ordnance Factory Project, Eddumailaram, Medak District.
2. One copy to Mr. S. Lakshma Reddy, Advocate, CAT., Hyd.
- ~~3. One copy to Mr. V. Rajeswar Rao, Addl. CGSC., CAT., Hyd.~~
4. One copy to BSJP M(J), CAT., Hyd.
5. One copy to ~~Mr. V. Rajeswar Rao, Addl. CGSC., CAT., Hyd.~~
6. One duplicate copy.

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21/5/98
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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/4/88

ORDER/JUDGMENT

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

in

D.A.NO. 1119/85

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक विविकरण
Central Administrative Tribunal
HYDERABAD BENCH

4 MAY 1988
Despatch No. 5
RECORDED
LAW BENCH/CAPITAL SECTION