

(b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 1450/95.

Dt. of Order: 6-6-96.

Between :-

H.C.Panda

...Applicant

And

1. Government of India,
represented by Secretary,
Department of Defence,
Production & Supplies,
Ministry of Defence,
South Block, New Delhi-110 011.
2. The Director,
Directorate of Technical
Development & Production (Air),
Ministry of Defence, H-Block,
New Delhi - 110 011.
3. Sri Ajai Vikram Singh, I.A.S.,
Joint Secretary, HAL,
Ministry of Defence, South Block,
New Delhi - 110 011.

...Respondents

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Counsel for the Applicant : Shri P.V.Ravindra Kumar

Counsel for the Respondents : Shri N.V.Raghava Reddy, CGSC

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THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *KK*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) *Q*

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(Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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Mr.S.Ramakrishna Rao for Mr.P.V.Ravindra Kumar, counsel for the applicant and Mrs. N.V.Raghava Reddy, counsel for the Respondents. The relief claimed by the applicant Mr.H.C.Pande is for a direction to the Respondent No.1 to fill up the post of "Director" in the office of Directorate of Technical Development & Production (Air), Ministry of Defence, in accordance with the recruitment ~~method~~ method prescribed under the Defence Aeronautical Quality Assurance Service Rules SRO-56.

2. One of the grievances made by the applicant was that the adhoc appointment made to the post instead of filling it on regular basis was illegal and in any event till the post was filled up he should have been appointed on adhoc basis being better qualified than the person who was appointed.

3. By interim order dt.29-3-96 he had requested the Respondent No.1 to proceed with the selection process to fill up the post on regular basis preferably within a period of two months. Today we are informed that by Sri NV Raghava Reddy, the learned counsel for the respondents ~~on~~ on instructions received from the respondent No.1 that a meeting of the Departmental Promotion Committee was convened in UPSC on 9-5-96 to consider promotion to the post of Director and the Departmental Promotion Committee

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had recommended Sri M.V.Sundaram, Additional Director for promotion to the grade of Director. The learned counsel has also produced before us copy of the office order No.I/96 issued by the Joint Secretary to Government, Ministry of Defence, stating that the President was pleased to appoint Sri M.V.Sundaram as the Director and also a copy of the notification issued by the Government of India, Ministry of Defence, Department of Defence Production and Supplies dt.22-5-96, where under the ✓ President is pleased ^{to} _A re-name the Department as Directorate General of Aeronautical Quality Control & Assurance and the head of the institution will be known as Director General. The Office Order No.1/96 mentioned above shows that Sri M.V.Sundaram has been appointed as Director in the scale of pay of Rs.5900-200-7300 with effect from the date he assumes charge of the post. The learned counsel has also produced a copy of the letter dt.27-5-96 of the Directorate which shows that pursuant to the order dt.21-5-96 Sri M.V.Sundaram has taken over charge as Director, Directorate of Technical Development & Production (Air), with effect from 27-5-96. We have no reason to entertain any doubt in view of the above record that the Respondent No.1 have not made the appointment of Sri M.V.Sundaram in accordance with the Recruitment Rules. The learned counsel for the applicant on instructions of the applicant, who is also present, tried to urge that the applicant does not know whether any D.P.C. meeting was held or whether Sri M.V.Sundaram was selected by the D.P.C. ✓ and also that the respondent No.1 had held ~~to~~ interview, which is not contemplated under the Recruitment Rules. As

[Signature]

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stated above, the fact that D.P.C. was held and had recommended the name of Sri M.V.Sundaram ~~for the applicant~~ is sufficient to negative the argument that the D.P.C. might ~~not~~ have been held. Likewise, what is seen from the record produced is that a D.P.C. ~~hence~~ was held, ^{hence} there is no room to speculate that some different method was adopted.

4. Thus the Respondent No.1 having now made an order of appointment of Director in the prescribed manner, the principal relief sought by the applicant has been rendered infructuous. Sri M.V.Sundaram having taken over the charge of the post, the grievance relating to temporary appointment that was made earlier does not survive. The question of selection of ~~Sri~~ M.V.Sundaram being a subsequent event ^{to} the filing of the O.A., no argument in relation to the same can be entertained under the format of this application. It is an independent and separate matter.

5. In the result, the O.A. is disposed of as infructuous. The orders produced by Mr.N.V.Raghava Reddy, standing counsel for the Respondents are retained on record. No costs.

H.RAJENDRA PRASAD
(H.RAJENDRA PRASAD)
Member (A)

M.G.CHAUDHARI
(M.G.CHAUDHARI)
Vice-Chairman

Dated: 6th June, 1996.
Dictated in Open Court.

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Av1/
Dy. Regd.

(ex-12)
O.A. No. 1450/95.

Copy to:-

1. Secretary, Department of Defence,
Production & Supplies, Ministry of Defence,
South Block, Government of India,
New Delhi-110 011.
2. The Director, Directorate of Technical
Development & Production (Air),
Ministry of Defence, H-Block,
New Delhi-110 011.
3. Sri Ajai Vikram Singh, I.A.S.,
Joint Secretary, HAL,
Ministry of Defence, South Block,
New Delhi-110 011.
4. One copy to Mr. P.V. Ravindra Kumar, Advocate,
1-1-526, Sri Dai Datta Apartments,
Ground Floor, Iqbal Manzil, Golconda X Roads,
Hyderabad-380.
5. One copy to Mr. N.V. Raghava Reddy, Advocate,
CAT, Hyderabad Bench, Hyderabad.
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 M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 6-6-1996

ORDER/JUDGMENT

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

O.A.No. 505/96

17/50/96

T.A.No. /

(W.P. /

Admitted and Interim Directions

issued.

Allowed.

as in Form C of the Rules of the Court
Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

