

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.308/95.

DATE OF JUDGMENT: 8.3.95

BETWEEN:

1. K.VEERASWAMY
2. S.M.NARASIMHA

.. APPLICANTS

AND

1. Nuclear Fuel Complex,
represented by the Asstt. Personnel
Officer,
Hyderabad-762.
2. Nuclear Fuel Complex rep. by
Admve. Officer,
Hyderabad-500762.
3. Nuclear Fuel Complex rep. by
the Chief Executive,
Hyderabad-762.
4. The Secretary,
Dpt. of Atomic Energy,
Govt. of India,
CSM Marg,
Bombay-400039.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: SHRI G.ABDUL KHADER

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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

contd....

(18)

O.A.NO.308/95.

JUDGMENT

Dt:8.3.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.Abdul Khader, learned counsel for the applicants and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. This OA was filed praying for declaration that the proceedings as per the reference No.NFC/PAR/05/005(a)/1565, dated 8.11.1994 of R-I and the proceedings ref.No.NFC/PAR/03/48/308, dated 24.2.1995 of R-2 in not allowing the applicants to appear for the 17th Centralised Examination for the Post of Assistant Accounts Officer to be held from 10.3.1995 to 14.3.1995 are illegal, arbitrary and without jurisdiction and for a consequential direction to the respondents to allow the applicants to appear for the above examination.

3. The first applicant was promoted from the post of Senior Accounts Clerk to that of Assistant Accountant on 11.2.1991 while the 2nd applicant was promoted from the post of Senior Clerk to Assistant Accountant on 17.7.1992.

4. The proceedings as per the reference No.PA/79(10) 94-B-III/2328, dated 20.9.1994 lay down interalia the following eligibility criteria:-

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.. 3 ..

"1. ELIGIBILITY:

1. All those who have passed part-I examination provided that, after passing part-I they have completed or are likely to complete atleast two years in the Accounts Branch before the date of examination."

Applicants were informed by the reference No.NFC/PAR/05/005(a)/1565, dated 8.11.1994 (vide Annexure- A-I) that as they had not fulfilled the eligibility conditions prescribed in the proceedings dated 20.9.1994 referred to supra, their applications are returned. The same is assailed in this OA.

It is manifest from Para 1(1) of the proceedings dated 20.9.1994 that pass in Part-I examination must for being eligible to appear for the examination for the post of Assistant Accounts Officer. It further states that one should complete two years in the Accounts branch after passing part-I before the date of examination. It is not in controversy that these two applicants had not fulfilled ^{the conditions prescribed in} para 1(1) of the proceedings dated 20.9.1994.

7. But it is urged for the applicants that as they were promoted as Assistant Accountants even when they

contd....

To

1. The Assistant Personnel Officer,
Nuclear Fuel Complex, Hyderabad-762.
2. The Administrative Officer,
Nuclear Fuel Complex, Hyderabad-762.
3. The Chief Executive, N.F.C Hyderabad-762.
4. The Secretary, Dept. of Atomic Energy,
Govt. of India, CSM Marg, Bombay-39.
5. One copy to Mr. G. Abdul Khadar, Advocate, Plot No. 163-A
Girumalanagar, APHB Colony, Moulali, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

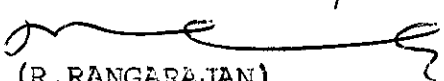
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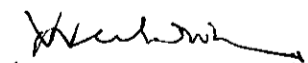
.. 4 ..

had not passed Part-I examination, it is not just and proper for the respondents to insist pass in Part-I examination before they are permitted to appear for the examination for the post of Assistant Accounts Officer. There is no challenge of the proceedings dated 20.9.1994 referred to supra. In the absence of such a challenge, there is no need to consider as to whether the eligibility condition as per para 1(1) of the proceedings dated 20.9.1994 as prescribed is arbitrary and violative of Articles 14 of the Constitution of India.


8. As the applicants had not fulfilled the eligibility criteria as per the proceedings dated 20.9.1994 referred to supra, it cannot be held that the impugned order dated 8.11.1994 whereby their applications are returned, ~~can be held as~~^{is} illegal.

9. Thus, this OA does not merit consideration. Accordingly it is dismissed even at the admission stage. No costs./


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 8th March, 1995.
Open court dictation.


163 RS
Deputy Registrar (T)ca

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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)

DATED - 8 - 3 1995.

ORDER/JUDGMENT:

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

O.A.No.

in

308 / 95

T.A.No.

(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.

NO SPARE COPY

Central Administrative Tribunal
DESPATCH

28 MAR 1995

HYDERABAD BENCH.