

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 548/95

DATE OF ORDER : 06-11-1997.

Between :-

Baka Peeraswamy

... Applicant

And

Hyderabad Central Circle,
Central Public Works Department,
Nirman Bhavan, Sultan Bazar,
Hyderabad.

2. M.P.Krishna

3. J.Kanta Rao

... Respondents

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Counsel for the Applicant : Shri V.V.Narasimha Rao

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.

Jai

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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None for the applicant. Sri V.Rajeshwar Rao, standing counsel for the respondents. None for Respondents 2 and 3. Respondents 2 and 3 were called absent.

2. The applicant in this OA was appointed as LDC on 8-4-85. He was one of the aspirants for the post of Cashier, which carries the special pay. Lower Division Clerks are considered and those who are found suitable ^{are} ~~were~~ posted as Cashiers on the basis of the recommendations given by the ~~competent authority~~ as Cashier whereas ^{the} Respondents 2 and 3 were selected and posted as Cashiers vide office order No.9(13)95/HCC/E.II/1328 dt.7-4-95 (Annexure-I to the OA).

3. This OA is filed to set aside the Office Order dt.7-4-95 passed by Respondent No.1 and for a consequential direction to the Respondent No.1 to appoint the applicant as Cashier with all consequential benefits.

4. A reply has been filed in this OA. It is stated that according to para-18 of Section-6, Chapter-V of CPWD Manual (Vol.I) (Annexure R-1 to the reply) Assistants/UDCs/LDCs may be appointed as Cashiers at the discretion of the competent authority (Annexure R-II to the reply). The competent authority in this case is Superintending Engineer, who is the appointing authority in respect of Group-C posts. As the two vacancies of Cashier were to be filled in the office of Executive Engineer, HCD-I, CPWD, Hyderabad, and Executive Engineer, HCD-III, Hyderabad, following the completion of tenures of the incumbents, willingness from the eligible LDCs.....3.

- 3 -

who ^{were} ~~are~~ Quasi Permanent/Permanent were called for by letter dt.17-1-95 (Annexure R-III to the reply). Eleven LDCs opted for posting as LDC-cum-Cashier. The applicant is one of them. He was the senior most amongst those who opted. In the meanwhile Respondent No.2 filed OA 1096/94 on the file of this Bench for considering him for the post. Similarly Respondent No.3 also filed a similar O.A. Those OAs were disposed of by directing the respondents to consider all the candidates who applied in response to the notification irrespective of the seniority. Accordingly, all the candidates including the applicant, Respondent No.2 and 3 were considered by the Selection Committee for posting as LDC-cum-Cashier in accordance with the rules. The DPC ~~has~~ took note of the performance report of each optee and arrived at a decision and drawn the select list. As per the select list Respondents 2 and 3 were selected and posted.

5. When the respondents have followed the instructions given in the CPWD Manual, there can be no question of setting aside the appointment of Respondents 2 and 3 as Cashiers. The applicant has not filed any rejoinder to the reply indicating any deficiency in ^{following} ~~filling~~ the rules. As he failed to file a rejoinder, it is to be held that there was no irregularity in the selection and the selection was conducted in accordance with the procedure in the CPWD Manual and Respondents 2 and 3 were declared as eligible for posting as LDC-cum-Cashier.

6. In view of what is stated above, we find no reason to set aside the impugned order dt.7-4-95.

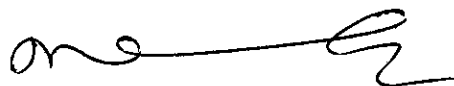
7. In the result, the OA is dismissed as having no merits.

No order as to costs.



(B.S. JAI PARAMESHWAR)
Member (J)

6/11/97

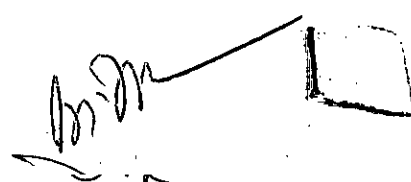


(R. RANGARAJAN)
Member (A)

Dated: 6th November, 1997.

Dictated in Open Court.

avl/



OA.548/95

Copy to:-

1. The Superintending Engineer, Hyderabad Central Circle,
Central Public Works Department, Nirman Bhavan, Sultan Bazar,
Hyderabad.
2. One copy to Mr. V.V.Narasimha Rao, Advocate , CAT., Hyd.
3. One copy to Mr. V.Rajeswar Rao, Addl.CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

SRR

19/11/97
(6)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE JUSTICE

AND

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

Dated: 6-11-97

~~ORDER/JUDGMENT~~

~~M.A./R.A./G.A.NO.~~

in
D.A. NO. 548 / 95

Admitted and Interim Directions.
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

