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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.550/96

decided on : 13-6-96

Between

N. Saraswathi : Applicant

and

1. The Chief General Manager
Telecommunications
Andhra Pradesh
Hyderabad 500001

2. The Assistant Director (Staff)
O/o Chief General Manager
Telecommunications AP
Hyderabad 500001

3. Telecom District Manager
Tirupathi, Chittoor Dist. : Respondents

Counsel for the applicant : Mehar Charnd Nori, Advocate

Counsel for the respondents : K. Ramula, Addl. CGSC

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HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN)

Judgement

Oral order (Per Hon. Mr. Justice M.G. Chaudhari, VC)

The applicant has been given compassionate appointment in Group D post. She claims to be entitled to Group-C post on the ground that she fulfills the qualifications necessary for that post. The respondents have not conceded to her claim and therefore the OA has been filed seeking direction to the respondents to appoint her in Group-C post.

2. Learned counsel interalia submitted that the applicant fulfills the qualifications for Group-C posts, that some other persons have been given compassionate appointment in Group-C

posts who were similarly placed and thus by refusing to give appointment in Group-C post to the applicant the respondents are practising discrimination and that the action of the respondent is violative of Articles 14 and 16 of the Constitution.

3. Ms. Shyama holding for Mr. K. Ramulu, Additional CGSC submits that it was made clear in the letter dated 11-1-95 by the office of Chief General Manager that appointment of one C. Pullaiah who was appointed to Group-C post was subject to condition of his fulfilling the minimum qualification for the posts and on his passing the prescribed test and similar being the position in respect of the applicant as stated in the letter dated 5-1-1996 Annexure-1 there does not arise any question of discrimination being practised as alleged in paragraph 6 of the OA wherein reference is made to Sri Pullaiah.

4. Learned counsel for the applicant relied on the following decisions of the Supreme Court :

- i) State of Madhya Pradesh Vs. Ramesh Kumar Sharma (1994 Supp. (3) SCC 661)
- ii) State of Haryana Vs. Naresh Kumar Bali (1994 (4) SCC 448)
- iii) Pepsu Road Transport Corporation Vs. Satinder Kumar and another (1995 Supp. (4) SCC 597).

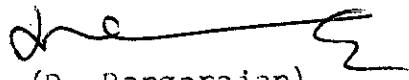
5. Having regard to the facts of the instant case we find that the decisions at Serial No. 1 and 2 above do not help the applicant in this case. The case at Serial No. 3 rather lays down a principle which does not support the case of the applicant. It has been held that in such cases the applicant has no right to particular post of choice merely because he/she fulfills the requisite eligibility qualification. The



impugned decision of the respondents at Annexure 1 is consistent with this decision.

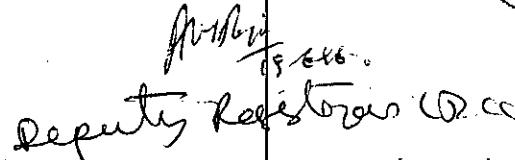
6. Hence, we see no merit in the application and the same is rejected.

7. Ms. Shyama is instructed that she should convey to Mr. K. Ramulu to file a memo of appearance on record of this OA within a period of one week. Otherwise her appearance will be struck off from the order.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : June 13, 96
Dictated in Open Court


Deputy Registrar (D.R.)

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To

1. The Chief General Manager, Telecommunications,
Andhra Pradesh, Hyderabad-1.
2. The Assistant Director (Staff)
O/o Chief General Manager,
Telecommunications A.P.Hyderabad-1.
3. The Telecom District Manager,
Tirupathi, Chittoor Dist.
4. One copy to Mr.Mehar Chand Noori, Advocate, CAT.Hyd.
5. One copy to Mr. K.Ramulu, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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25/96
I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAI RMAN

AND
R.Ranganathan
THE HON'BLE MR.H.PATENDRA PRASAD:M(A)

Dated: 13-6 -1996

ORDER/JUDGMENT

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

in

O.A.No. 550/96.

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.

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