

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.618/96.

Date of order : 5.9.1996.

Between

1. A.Maheshwar
2. P.Amrutha Leela
3. V.V.L.N.Acharyulu
4. Jeeja Bai
5. K.Ajay Srinivas
6. K.V.V.Gopala Sharma
- 7.T.Geetha Bai
8. G.Shebha
9. N.Padmavathi
10. K.V.Venugopal Rao
11. R.Satyavani
12. V.S.Prakash
13. M.Raj Kumar
14. T.Venkateswara Rao
15. T.V.M.Phani Raja Kumar
16. R.V.Rajasree
17. N.Vijayalakshmi
18. M.L.Swarupa Rani

.. Applicants

And

1. The Employees' State Insurance Corporation, Rep. by the Director-General, Kotla Road, New Delhi.
2. The Andhra Pradesh Employees' State Insurance Corporation, Rep. by Regional Director, Regional Office, 5-9-23, Hill Fort Road, Hyderabad-500463.

.. Respondents

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Counsel for the Applicants .. Shri P.Naveen Rao

Counsel for the Respondents .. Shri N.R.Devaraj, Sr. CGSC

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

Heard Shri P.Naveen Rao for the applicant and Shri N.R. Devaraj, Sr. CGSC for the respondents.

2. The applicants seek to challenge the notification dated 8.5.96 and claim that their appointment to the post of LDC although made on adhoc basis should be regularised without they being required to go through the selection process

- 2 -

as under the notification dated 8.5.96. It may be mentioned that the said notification entitles the applicants to appear at the examination for the proposed selection thereunder without being required to be re-sponsored by the Employment Exchange. We have admitted the O.A. on 23.5.96 and had allowed the applicants to submit their applications for appearing at the examination for the selection under the notification dated 8.5.96 and participate in the selection process subject to the eventual outcome of the case.

3. Today, <sup>in</sup> another <sup>OA</sup> identical question has come up before us

raised by another LDC working with the Employees' State Insurance Corporation in O.A. No. 1062/96 seeking identical relief with reference to the notification dated 8.5.96.

After hearing Shri P. Naveen Rao for the applicant and Shri N.R. Devaraj, Sr. CGSC for the respondents and after noticing the decisions of the Hon'ble Supreme Court in Civil Appeal Nos. 5032-5/1992 in Director-General, E.S.I.C. & Anr. Vs. Sari

Trilek Chand & Ors dated 10.12.92 and in State of Haryana & C

vs. Piara Singh & Ors. AIR 1992 SC 2130 we have negatived the contention of the applicant in that case. Since the instant case also involves the same point it has been taken

in the list for final orders on request from Shri N.R. Devaraj

and the consent of Shri P. Naveen Rao, for the reasons recorded

on O.A. No. 1062/96 separately today we hold that the applicants

in the instant case have no cause of action and they are not entitled to claim the relief which they have prayed for

and the O.A. is liable to be dismissed.

4. In the result, the O.A. is dismissed. No order as to

costs. The intention of making the participation in the

selection process by the applicants subject to the outcome

of the case is vacated without any prejudice. The right of

applicants to apply in pursuance of the notification dated

8.5.96 and participate in the selection process for regular

selection will not henceforth be affected by the appeal

H. Rajendra Prasad

Member (A).

Dated: 5.9.1996.

Dictated in Open Court

M.G. Chaudhury

Vice-Chairman

28/9/1996

On 28/9/1996

b.r.

To

1. The Director General,  
Employees State Insurance Corporation,  
Kotla Road, New Delhi.
2. The Regional Director,  
A.P. Employees' State Insurance Corporation,  
Regional Office, 5-9-23, Hill Fort Road,  
Hyderabad-463.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy .....
6. One spare copy.

pvm.

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9/10/96  
I COURT

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CHECKED BY

COMPARED BY

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: 5-9-1996

ORDER / JUDGMENT

~~M.R.A./C.L.~~ No.

in

O.A.No. 618/96

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.

pvm

