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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 311/97

Date of decision : 16-10-1997

Between:

P. Vidyasagar

.. Applicant

-versus-

1. The General Manager,
Ordnance Factory Project,
Ministry of Defence,
Yeddu-mailaram,
Dist. Medak.

2. The Medak District Employment
Officer,
Sangareddy, Govt. of A.P.
Dist. Medah.

.. Respondents

Counsel for the applicant : Mr. J. Kanakaiah

Counsel for the respondent No.1: Mr. V. Rajeswara Rao

Counsel for the respondent No.2: Mr. P. Naveen Rao

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A) *9/10/97*

...2/-

JUDGEMENT

(Per Hon'ble Shri H. Rajendra Prasad, M(A)

The applicant in this case is a holder of ITI certificate in Electronics, having served his apprenticeship in Bharat Dynamics Ltd. a Govt. of India Enterprise. Certain lands, belong to the family of the applicant are said to have been acquired for the purpose of establishing the Ordnance Factory Project. The applicant duly registered his name with the nearest employment exchange with a view that his case may be considered for a suitable employment in the said factory at an appropriate juncture. The applicant's case has not come up for consideration so far.

2. In the meanwhile, an exercise for recruiting Fitters(Electronics) is said to be under contemplation in the factory and certain candidates are reported to have been summoned to appear for an interview in this connection. The applicant is not, however, one of them. He contends that he should be considered eligible for the post of Fitter(Electronics) regardless of whether or not he is sponsored by the Employment Exchange. This plea is in consonance with the spirit of the judgment delivered in the case of Excise Superintendent, Malkapatnam, Krishna Dist., AP, vs.

Q/W

KBN Vishweshwar Rao & Ors., 1996(6)SCALE 676.

Secondly, he also claims priority over other candidates under landloosers category.

3. The grievance of the applicant is that he has not been considered at all under either of these two dispensations. The applicant claims that he possesses the requisite qualifications, including, as already stated, an All India Trade Test for Apprentices conducted by Bharat D-dynamics Ltd.

4. The respondents in their counter-affidavit state that the central government at no point of time held out an assurance or commitment of providing employment to land-displaced persons but had merely agreed to accord priority in the matter of employment to atleast one member from each of the LDP Patta. They explain that they have so far received three lists from the revenue authorities - in 1983, 1988 and 1989 - and they are still operating the very first list. In this process they have already employed 365 land-displaced persons. More importantly, their basic objection is that the applicant had done his apprenticeship in Bharat Dynamics Ltd. and not in their factory. Therefore, the respondents maintain that he has no claim to being called for any test or interview.

Q/RP

5. The facts and submissions have been considered. The position is as under :

(i) As per the latest judgment of the Supreme Court (cited in para-2) it is no longer permissible to restrict selections to only employment exchange sponsored candidates. To give a wider choice for selection and secure the services of the best available candidates it is not only desirable but necessary that the candidature of those who apply directly without such sponsorship should also be considered along with those who have been so sponsored by the Exchange.

(ii) The 'agreement' referred to by the respondents is an adequate safeguard for land-displaced families and the applicant is evidently seeking employment under the same scheme. Therefore, it will not be correct to say that no 'assurance' was not given in this regard. No 'assurances' are very necessary or warranted in such situations while an 'agreement', as stated by the respondents themselves, is enough of an assurance and a decided guarantee for fairplay in such matters. The applicant's case could be scrutinised on this basis.

(iii) There is no particular rule or instruction by the Govt. of India, or from the concerned Ministry that only such candidates as may have undergone apprenticeship training

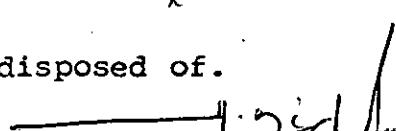
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in a factory or establishment are eligible for consideration in the said factory or establishment. On being asked about this the respondents could not produce any order to that effect. BDL is a sister organisation under the same Ministry, and there is ordinarily no valid reason why an apprenticeship pursued and successfully completed in the said organisation viz. BDL, should be held inadmissible for consideration of a candidate in the respondent factory.

I do not find this plea acceptable.

6. Considered from any angle it is obvious that the applicant has reasonably good case and a valid claim for consideration on all three counts. Under the circumstances, it is directed that the candidature of the applicant shall be duly considered along with other applicants, whether or not sponsored by the employment exchange, when the next selection for any post, to which he is technically qualified is taken up. In order to facilitate a proper examination of the case the applicant may make a comprehensive representation, supported by necessary documents, and specifying the post or posts for which he is a candidate, so that his name may be considered as indicated at ^{an} appropriate time.

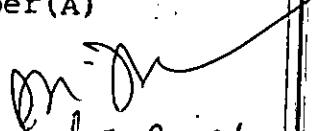
7. Thus the OA is disposed of.


(H. RAJENDRA PRASAD)
Member (A)

MD

Dated 16-10-1997

Dictated in the open court


Deputy Registrar

O.A.311/97.

To

1. The General Manager,
Ordnance Factory Project,
Ministry of Defence, Yeddu-mailaram,
Medak Dist.
2. The Medak District Employment Officer,
Sangareddy, Govt.of A.P.Medak Dist.
3. One copy to Mr.J.Kanakaiah, Advocate, CAT.Hyd.
4. One copy to Mr. V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to Mr.P.Naveen Rao, Advocate, CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One copy to HHRP.M.(A) CAT.Hyd.
8. One spare copy.

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20/10/97
Court
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TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

And

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

DATED:- 16/10/97

QREY/JUDGMENT.

M.A.,/RA.,/C-A.NO..

in

O.A.No.

31/10/97

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.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
देशव/DESPATCH

12 OCT 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH