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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 628/97.

Dt. of Decision : 5-3-98.

1. M.Janardhan Reddy
2. K.Naga Kumari

.. Applicants.

Vs

The General Manager,
Ordnance Factory Project,
Min. of Defence,
Govt. of India, Yeddu-mailaram,
Medak District (A.P.)

.. Respondents.

Counsel for the applicants : Mr. P.Naveen Rao

Counsel for the respondents. : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

THE HON'BLE SHRI E.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER FOR HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Heard Mr.P.Naveen Rao, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. To-day MA.34/98 in this OA was listed for giving some direction as asked for in that MA. Both the ~~sides~~ ^{learned Counsel} agreed that the OA itself can be disposed of in view of the reply given in this OA. Hence the OA is disposed of as under:-

There are 2 applicants in this OA. They have been considered for posting as Data Entry Operator Gr-A. The names of these two applicants are at serial No.17 and 25 respectively in the select list. It is stated that 14 applicants have been already appointed and the ~~remaining~~ serial No.23 who was an SC candidate was also appointed against the reservation quota. Both the applicants in this OA are yet to be appointed. It is stated that the applicants are ~~now~~ waiting for appointment for a very long time probably about 8 years and they request that they should be appointed forthwith as vacancies are available.

3. This OA is filed praying for a declaration that the action of the respondents is not appointing the applicants to the post of Data Entry Operator Gr-A is arbitrary and for a consequential direction to the respondents to appoint them to the post of Data Entry Operator Gr-A or in the alternative to any other suitable post with all consequential benefits.

4. The applicants are to be appointed from the open market. Hence they can be appointed only in that post for which they are selected. The question of appointing them in any other

suitable post may not arise. However it is for the applicants to represent suitably if they can be appointed in any other post due to qualification and other attainments. The Tribunal cannot give any direction to appoint them in any other suitable posts in view of the fact that their names are included for posting as Data Entry Operator Gr-A only.

5. In para-6 of the reply it has been stated that the offer of appointment to the selected candidates depends on availability of vacancies in the grade. Therefore, as and when vacancies arise in the grade of DEO, the applicants' case will be considered depending on their merit position in the panel of waiting list.

6. From the above submission of the respondents, it is evident that the applicants are due to be appointed when their turn comes and vacancies are available. Hence we have ~~are~~ no hesitation in ~~saying~~ ^{observing} that the case of the applicants should be considered to fill up the vacancies as and when arise if there is need to fill up those vacancies. The learned counsel for the applicants submits that there are about 7 vacancies at present and hence the turn of the applicants have already come and hence they should be appointed forthwith. It is not for us to decide whether the applicants ^{are} to be appointed even if there is vacancies as ~~depends~~ upon the work-load of the department to appoint candidates from the open market. However, the applicants may now submit a detailed representation, if so advised, if there are vacancies and they are of the opinion that ~~these~~ vacancies are to be filled urgently, within a period of one month from the date of receipt of a copy of this judgement. If such a representation is received then the respondents should

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dispose of the representation stating whether the vacancies are there and also stating the reason for not filling those posts if vacancies are available for consideration ^{and filling up and} necessary ^{conditions} to be taken note of while filling up the vacancies. The reply to the representation should be given ~~to that~~ within two months from the date of receipt of a copy of that representation.

7. With the above direction the OA is disposed of.

No costs.

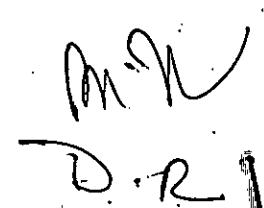

(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

5/3/98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 5th March, 1998.
(Dictated in the Open Court)

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M.W
D.R

DA.628/97

Copy to :-

1. The General Manager, Ordnance Factory Project, Min. of Defence, Yeddumailaram, Medak District.
2. One copy to Mr. P. Navseen Rao, Advocate, CAT., Hyd.
3. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

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25/3/98
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TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

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

DATED: 5/3/98

ORDER/JUDGMENT

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

in

C.A.NO. 6281/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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