

OA.1382/97

Between:

Dated:21-10-1997

K.Nageshwar Rao & 3 Ors.

.. Applicants.

And

The Administrative Officer,
Nuclear Fuel Complex,
Department of Atomic Energy,
ECIL Post, Government of India,
Hyderabad.

.. Respondent.

Counsel for the applicant : Mr. M. Pandu Ranga Rao

Counsel for the respondent : Mr. K. Ramulu, Sr.CGSC

CORAM:

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

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

...

The Tribunal made the following order:-

Mr. M. Pandu Ranga Rao, for the applicant and Ms.Shana for
Mr. K. Ramulu, for the respondent.

Admit. Four posts of Junior Operator Trainee (Fitter)
should be kept vacant as an interim measure.



Deputy Registrar

27

OA.1382/97

1. The Administrative Officer, Nuclear Fuel Complex,
Department of Atomic Energy, ECIL Post, Government of India,
Hyderabad.
2. One copy to Mr. M. Pandu Ranga Rao, Advocate, CAT., Hyd.
3. One copy to Mr. K. Ramulu, Sr.CGSC., CAT., Hyd.
4. One copy to duplicate.

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TYPED BY
COMPALED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21-10-97

~~ORDER/JUDGMENT~~

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

in
O.A.NO. 1382/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

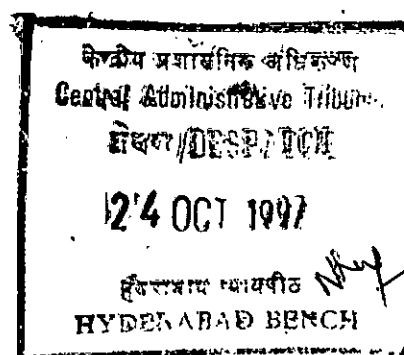
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1382/97

Date of Order : 23.3.99

BETWEEN :

1. K.Nageswar Rao
2. K.Muralikrishnam Raju
3. I.Subba Raju
4. A.Venkata Narasimha Raju

.. Applicants.

AND

Nuclear Fuel Complex,
Dept. of Atomic Energy,
Govt. of India, rep. by
its Administrative Officer,
ECIL Post, Hyderabad.

.. Respondent.

- - -

Counsel for the Applicants

.. Mr.M.Panduranga Rao

Counsel for the Respondents

.. Mr.B.N.Sharma

- - -

CORAM :

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

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

- - -

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.K.Ravi for Mr.M.Panduranga Rao, learned counsel
for the applicant and Mr.B.N.Sharma, learned standing
counsel for the respondents.

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3. There are four applicants in this OA. They were selected for the post of Tradesman 'A' for which a trade test was conducted on 30.1.92. Thereafter an interview was also held and the applicants were informed that they were selected and empanelled for appointment by letter No. NFC/PAR/11/001/456, dated 17.2.92 (A-2). That letter was addressed to applicant No.1. It is stated that similar letters were addressed to other applicants also. The letter dated 17.2.92 addressed to Applicant No.1 is reproduced below :-

"With reference to the interview you had attended at Nuclear Fuel Complex for the post of Tradesman/A we are happy to inform that you have been selected and empanelled for appointment. Attestation Forms in quadruplicate are sent herewith with a request to fill the same as per the instructions outlined in the forms and submit the same on or before 10.3.1992.

You may please note that your selection is only provisional and offer of appointment will be issued strictly as per the merit order in the panel and as and when vacancies arise. No interim correspondence will be entertained in this regard".

4. Thereafter it is stated for the respondents that the policy of appointing Tradesman was changed and it was decided to appoint Junior Operator Trainee (Fitter) on the basis of the policy decision taken by the Government. It is stated that the said policy decision was taken some time

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in 1994. Thereafter they have approached the Employment Exchange for sponsoring candidates and thereafter an open notification was issued sometime in 1998.

5. The applicants ^{be-} having aggrieved by the action of the respondents in not appointing them as Tradesman and processing the recruitment to the post of Junior Operator (Trainee) ^(Fitter) have filed this OA praying for a declaration that the action of the respondents in not appointing the applicants though they have been selected and empanelled for the post of Tradesman/A and resorting to the mode of fresh recruitment redesignating the post as Junior Operator Trainee (Fitter) is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and further declare that the applicants are entitled to be appointed as Tradesman/A now redesignated as Junior Operator Trainee (Fitter) as they were already selected and empanelled for appointment.

6. An interim order was passed in this OA on 21.10.97 whereby the respondents ^{were} ~~are~~ directed to keep the 4 posts of Junior Operator Trainee (Fitter) vacant.

7. A reply has been filed in this OA. The main contention of the respondents in this OA is that it is prerogative of the Government to change the policy as deemed fit under the need of the circumstances. The filling up of the post of Tradesman/A was stopped and it was decided to recruit Junior

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Operator Trainee (Fitter) instead of recruiting Tradesman/A
It was also submitted that the applicants cannot demand
posting them as Tradesman/A post as the panel life is
limited. The panel was published in 1992 and it normally
expired in 1½ or 2 years time. As the policy decision was
taken to operate only the post of Junior Operator Trainee
the question of appointing the applicant as Tradesman even
though they were selected for the post of Tradesman/A does
not arise. They also rely on the various judgements of the
Apex Court to state that the applicants cannot demand posting
even if they are kept in the panel for posting.

8. We heard both sides. It is very necessary to
scrutinise the offer of appointment order issued to Applicant
No.1 dated 17.2.92. Para-2 of that letter is to be scrutinised
in its full form. As per this para it is evident that there
is no time limit fixed for the expiry of the panel. It
clearly states that the Applicant No.1 will be appointed as
Tradesman/A as and when vacancies arise in accordance with
the merit position. If it is the intention of the respondents
to limit that panel for 1½ or 2 years the question of appointing
them as and when vacancies arise ^{does} ^{arise} ~~is~~ not correct. It should
have been stated very clearly that the panel is operative
for a period of 1½ or 2 years and during that period as and
when vacancies arise the empanelled applicant will be considered
for the posting. In the absence of time limit in ^{the} panel merely
saying as and when vacancies arise will only mean that the

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panel was kept open indefinitely. It is a gross mistake on the part of the respondents to issue such an offer of appointment without any finality. We deprecate such offer of appointment without scrutinising the implications of the said letter.

9. Having issued that letter the respondents should have at least informed the applicants that the policy has ^{been} changed and there is no need to appoint Tradesman/A even if vacancies are there after certain dates and that the selection of the applicants ceased to exist from a prospective date. It is stated that the new policy decision was taken in 1994. It is not known why the respondents had kept quite ^{without} ~~to~~ informing the applicants suitably after taking that policy decision. We fully agree with the applicants when they say that they are not aware of the policy decision. Unless it was informed by the respondents it is beyond their capacity to know the change ⁱⁿ of policy ~~decision~~. We would even go to the extent of saying that the responsibility for ^{this} ~~their~~ lapse is fully on the part of the respondents. Suitable remedial measures have to be taken so that recurrence of ^{such} ~~lapse~~ will not ~~occur~~ in future. The applicants came to know ^{the} recruitment process of Junior Operator Trainee only when the open notification was issued. The applicants have correctly taken action in approaching this Tribunal when the change of the policy decision was known to them instead of wasting their time in representing.

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10. The applicants were offered appointment in the year 1992. Thereafter lot of water had flown in. The legitimate expectation of the applicant in view of the letter dated 17.2.92 cannot be taken away from them. Because of that legitimate expectation they waited for such a long time. If they had been told regarding the policy decision ^{taken} in 1994 they would have approached the other institution for appointing them. Those opportunities were lost to the applicants because of the inaction of the respondents organisation. Further because of the passage of long time the applicants have also lost hope of getting opportunities in the other organisation due to limitation of age. Hence the inappropriate action of the respondents have resulted in the applicants having been placed in a very serious disadvantageous position.

11. Further the reliance of the various Supreme Court judgements relied upon by the applicants may not come to the rescue of the respondents in view of the reasons stated above. Hence it is not necessary for us to go into those cited judgements for deciding this issue. We are fully aware that a selected candidate has no right to be appointed. But in the circumstances quoted above the respondents are fully responsible in obstructing the course available to the applicants to improve their future prospects.

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12. The learned counsel for the respondents himself observed yesterday that the applications of the applicants for the post of Junior Operator Trainee would ^{not} have been accepted in view of the age bar. Hence the respondents themselves are aware that their inappropriate and irregular action had resulted in a serious disadvantage to the applicants herein.

13. In view of the above we feel that the applicants should be allowed to sit for the selection process of the Junior Operator Trainee (Fitter) waiving the age qualification, educational qualification and other qualification notified in the notification. If they are found successful they should be appointed as Junior Operator Trainee (Fitter) in accordance with the rules.

14. In the result the following direction is given :-

All the four applicants herein should be permitted to submit their applications if not already submitted for the post of Junior Operator Trainee (Fitter). The age, educational and other qualifications as advertised in the notification should be waived for all the four applicants herein for considering them for selection to the post of Junior Operator Trainee. If they are found fit they should be posted as Junior Operator Trainee (Fitter). While doing so the respondents should forget the fact that the applicants have approached

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the Tribunal so as to ensure that their cases are dealt ~~in~~
without any bias.

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

No costs.



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

23.3.99



(R. RANGARAJAN)
Member (Admn.)

Dated : 23rd March, 1999

(Dictated in Open Court)

Pradeep
-
SUPP.

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Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

13/4/99
IST AND IIND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

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

THE HON'BLE MR. S.S. JAI PARAMESWAR:
MEMBER (J)

DATED: 23.3.99

ORDER/ JUDGEMENT

MA./RA./CP.No.

IN

O.A. NO. 1382/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

5 copies

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
देवप / DESPATCH

-9 APR 1999

हैदराबाद ब्याचपीठ
HYDERABAD BENCH

In the Central Administrative Tribunal: Hyderabad Bench at Hyderabad
(Miscellaneous Application u/r 3(3) of Central Administrative Tribunal (Procedural) Rules, 1985.)

MA.No. 965 of 1997

in

OA.No. 3298 of 1997

Between

1. K. Nageshwar Rao s/o Appala Swamy,
36 years, Resident of Hyderabad.
2. K.Muralikrishnam Raju s/o K.S.Ch.
Ramaraju, 35 years, resident of
Hyderabad.
3. I Subba Raju s/o Butchi Raju, 32
years, r/o Hyderabad.
4. A.Venkata Narsimha Raju s/o A. Kri-
shnam Raju, 34 years, r/o Hyderabad

.. Applicants

and

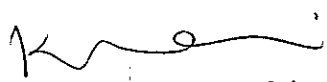
Nuclear Fuel Complex, Department
of Atomic Energy, Government of
India represented by its Admini-
strative Officer, ECIL Post,
Hyderabad

.. Respondent

For the reasons stated in the accompanying affidavit,
the applicants herein pray that this Hon'ble Tribunal may
be pleased to permit the applicants to file common OA with
the contentions raised and reliefs sought for as enumerated
in the OA in order to avoid multiplicity of proceedings and
also in the interest of justice and pass such other order
or orders as this Hon'ble Tribunal deems fit and proper in
the circumstances of the case.

Hyderabad

Dt: 15-10-1997


Counsel for Applicants

In the Central Administrative Tribunal: Hyderabad Bench at Hyderabad

MA.NO. 965 OF 1997

in

OA.NO. 3298 OF 1997

Between

K. Nageshwar Rao and others

.. Applicants

and

Nuclear Fuel Complex, Hyderabad

.. Respondent

Affidavit filed on behalf of Applicants

I, K. Nageshwar Rao s/o Appala Swamy, 36 years, resident of Hyderabad do hereby solemnly affirm and sincerely state as follows:

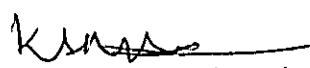
2. I am the first applicant herein and also in the main OA and as such I am well acquainted with the facts of the case. I am swearing to this affidavit on behalf of other applicants also having been authorised to do so.

3. I submit that all the applicants were the persons who had been selected and empanelled for appointment to the posts of Tradesman/A. The relief sought by them in the OA is the same. The respondents are the same. The cause of action is the same. Therefore, they may be permitted to file common OA to avoid multiplicity of proceedings.

4. It is, therefore, prayed that this Hon'ble Tribunal may be pleased to permit the applicants herein to file common OA with the contentions raised and reliefs sought for as enumerated in the OA in order to avoid multiplicity of proceedings and also in the interest of justice and pass such other order or orders as may deem fit.

1st & last page:
Corrections:

Solemnly affirmed at Hyderabad
this the 15th day of October, 97
and signed his name before me.


Advocate: : Hyderabad.


Deponent

Single OA Petn.

Hyderabad district

In the Central Admnv. Tribunal:
Hyderabad Bench at Hyderabad

MA.No.

of 1997

in

OA.No.

of 1997



Application seeking permission to
file common OA.

Recd
16/10

M/s. M.Pandurangarao
M.V.Rama Rao
K.Ravi &
M.Srikanth

Counsel for Applicants

may be filed
17.10.97

MA.965/97 in OA.SR.3298/97

20-10-97

Mr. Venkatesh for Mr. M. Panduranga
rao for the applicants. None for the
respondents.

Under the circumstances referred to above, the MA is allowed as prayed for. Register the OA if otherwise in order and list the OA for admission tomorrow i.e. 21-10-97

पुल/ORIGINAL

बेच केस/BENCH CASE

साधारण/GENERAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M.A. NO. 965 OF 1997

IN

O.A. Sr. No. 3298 OF 1997

HESJP
M(J)

HHRN
M(A)

SINGLE O.A. PETITION

Mr. M. Panduranga Rao
COUNSEL FOR THE APPLICANT.

AND

Mr. V. Ramulu
Sr. ADDL. STANDING COUNSEL FOR
C.G. Mlys.

HIGH COURT FILE NO. 112A/99

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

WRIT PETITION NO. 16578/99.

W.P.M.P.No. / 2002

A Writ Petition was filed in the High Court of Andhra Pradesh

Sri. K. Nageswar Rao, vs. Administrative officer, N.F.C.

Dept. of Atomic Energy, ECIL post, Hyd.

Against the Order/Judgement of this Hon'ble Tribunal dated 23-3-99.

and made in O.A.No. 1382/97.

The High Court was pleased to ~~Dismiss/Allow/Dispose~~ ^{with direction} of the W.P. ~~upon the respondents to consider the cases of all eligible candidates, including Interim Suspension/Stay/Notice the operation of Judgement~~ ^{the petitioners herein, in accordance with the amended Rules.} on 12-6-2002.

The Judgement of the Tribunal in O.A.No. 1382/97 and the order/Notice of the High Court of Andhra Pradesh is enclosed herewith for perusal.

Submitted.

4/4/02
3/4/02

1/4/2002

DEPUTY REGISTRAR (J)

REGISTRAR

HON'BLE VICE-CHAIRMAN

HON'BLE MEMBER (ADMN)-I

HON'BLE MEMBER (ADMN)-II

HON'BLE MEMBER (JUDL)

HIGH COURT

**BNJ
&
DSRVJ**

DATED:12-06-2002

**ORDER
W.P.NO. 16578 OF 1999**

DISPOSING OF THE WRIT PETITION

DRO
179
29/8/02

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TWELFTH DAY OF JUNE
TWO THOUSAND AND TWO

PRESENT
THE HON'BLE MR. JUSTICE **BILAL NAZKI**
AND
THE HON'BLE MR. JUSTICE **D.S.R. VARMA**

WRIT PETITION NO. 16578 OF 1999

Jud
30/8/2002
47C.112/99
D/c.

BETWEEN:

1. K. Nageshwar Rao
2. K. Muraliskrishnam Raju
3. A. Venkata Narasimha Raju

... Petitioners

and

1. Nuclear Fuel Complex, Department of Atomic Energy, Government of India, rep. by its Administrative Officer, ECIL Post, Hyderabad
2. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad

... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therein the High court will be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad passed in O.A.No. 1382/97 dated 23-3-99 in so far as it directs the petitioners to again sit for selection for appointment as Junior Operator Trainee(Fitter) as illegal and also directing that the petitioners should be appointed in the posts of Tradesmen/A for which they were selected or at least be asked to undergo training by appointing them in the posts of Junior Operator Trainee (Fitter).

FOR THE PETITIONERS: Mr. M. Panduranga Rao

FOR THE RESPONDENTS: Mr. C.V. Ramulu, SC for C.G.

The Court made the following order :
(Per Hon'ble Mr. Justice Bilal Nazki)

" Both the counsel appearing for the parties agree that this writ petition is covered by the judgment delivered in W.P.No. 17557 of 1999, dated 16-2-2001. Accordingly this writ petition is disposed of in terms of judgment in W.P.No. 17557 of 1999. The Registry is directed to enclose a copy of the judgment in W.P.No. 17557 of 1999 to this order.

Sd/- S. BHARATHI
ASSISTANT REGISTRAR

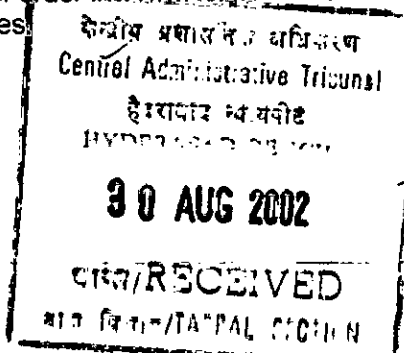
for Assistant Registrar

///true copy//

To

1. The Administrative Officer, Department of Atomic Energy, Nuclear Fuel Complex, ECIL Post, Hyderabad(RPAD)
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad
(with a copy of order in W.P.No. 17557 of 1999)
3. Two CD Copies

YVN



IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY THE SIXTEENTH DAY OF FEBRUARY TWO THOUSAND ONE

PRESENT:

THE HON'BLE SRI S.B.SINHA, CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE: S.R.MAYAK

WRIT PETITION NO. 17557 of 1999

Between:-

I. Subba Raju

...Petitioner

AND

1. Nuclear Fuel Complex, Dept., of Atomic Energy, Govt. of India, rep. by its Administrative Officer, ECIL, Post, Hyd.
2. The Central Administrative Tribunal, Hyderabad Bench, Hyd.

... Respondents.

Petition under Art.226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly in the nature of writ of Mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad, passed in OA.No.1382/97 dated 23-3-99 in so far as it directs the petitioner to again sit for selection for appointment as Junior operator Trainee (Fitter) as illegal, and also directing that the petitioner should be appointed in the post of Tradesman/A for which he was selected or at least be asked to undergo training by appointing him in the post of Junior operator Trainee (Fitter) and pass such other or further orders as this Hon'ble Court may deem fit.

FOR THE PETITIONER: Mr. M. Panduranga Rao, Advocate.

FOR THE RESPONDENTS: Nos. 1 & 2: Mr. L. Narasimha Reddy, SC for Central Court.
No.2: None appeared.

THE COURT MADE THE FOLLOWING ORDER: (per the Hon'ble Chief Justice the Sri Satyabrata Sinha)

When the matter was called, it has been pointed at the bar by the learned Standing Counsel for Central Government that the point at issue is covered by the judgement of this Court in W.P.No.17565 of 1999, dated 9-2-2001.

Hence, we dispose of this writ petition in terms of the judgement in W.P.No.17565 of 1999, dated 9-2-2001. While communicating this order, a copy thereof shall be annexed. No costs.

5. श्री /N.F.C.

/Admn.

ना अन्वेषण/Vigilance Section

अ. सं. /Inward No. 114

दि. /Date 22/2

Sd/- P. Vana Kumari,
Asst. Registrar.

Section Officer.

// true copy //

1. The Administrative Officer, N.F.C. ECIL Post, Hyderabad (along with a copy of judgement in WP.No.17565/99 date of order on 9-2-2001).
2. The Central Administrative Tribunal, Hyderabad Bench, Hyd.
3. Two C.D. Copies.

K.C.M.

Recd in
22-2-2001
22/2

she must
if you copy to
22-2-2001

WRIT PETITION NO.17565 OF 1999

JUDGMENT: (per Sri S.B. Sinha, C.J.)

The writ petitioners appear to have been selected in the year 1992, wherefor a selected list was prepared. They were not appointed. Thereafter, in the year 1994, an amendment in the procedure for selection had come into force. The petitioners filed applications, when fresh vacancies were notified, before the Tribunal praying therein for a direction upon the respondents to give effect to the aforementioned 1992 panel. The Original Application was dismissed; whereagainst the present writ petition has been filed.

Learned counsel appearing on behalf of the petitioners submits that by reason of the said 1994 amendment, only a provision for training has been ^{inserted} ~~made~~ and the writ petitioners are ready to undergo such training.

However, it is not disputed that the petitioners ~~having~~ been selected out of 1992 select list. It is now a well settled principles of law that a panel cannot be

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD.

(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE NINTH DAY OF FEBRUARY, TWO THOUSAND ONE.

:: P R E S E N T ::

THE HON'BLE MR. S. B. SINHA, CHIEF JUSTICE.

A N D

THE HON'BLE MR. JUSTICE S. R. NAYAK.

WRIT PETITION NO. 17665 of 1999.

Between:

1. U. Srinivasa Rao

2. Y. V. Ravi Kumar.

..

..

Petitioners.

a n d

1. Nuclear Fuel Complex, Department of Atomic Energy, Govt. of India, rep. by its Administrative Officer, ECIL Post, Hyderabad.

2. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad, rep. by its Registrar.

..

Respondents.

Petition under Art. 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of Mandamus declaring the order of the Central Administrative Tribunal Hyderabad Bench at Hyderabad passed in O.A. No. 1661/97 dt; 23-3-99 applying the judgment in O.A. No. 1382/97 dt; 23-3-99 in so far as it directs the petitioners to again sit for selection for appointment as Junior Operative Trainee (Fitter) as illegal and also directing that they may be appointed in the posts of Tradesman/A or Tradesmen/B for which they were selected or at least be asked to undergo training by appointing them in the posts of Junior Operative Trainee (Fitter).

FOR THE PETITIONER: Mr. M. Panduranga Rao, Advocate.

FOR THE RESPONDENT NO. 1: Mr. L. Narasimha Reddy, SC for Central Govt.

The Court made the following Judgment:

(CONTD....2)

at any time", It was held that the vacancies arising later on can be pooled for consideration of the candidates for appointment pursuant to the notification. Such is not the case here. In the instant case, vacancies have arisen after 1994 Rules had come into force. The said decision of this Court, therefore, is not of any assistance to the petitioners herein and, in fact, runs counter to the submission made by the learned counsel.

For the reasons afore mentioned, we are of the opinion that no relief can be granted to the writ petitioners.

The writ petition is, therefore, disposed of with a direction upon the respondents to consider the cases of all the eligible candidates, including the petitioners herein, in accordance with the amended Rules. There shall be no order as to costs.

Sd/-M. A. KHAYYUM
ASSISTANT REGISTRAR.

: : TRUE COPY : :

SECTION OFFICER.

TO

1. One Fair Copy to the Hon'ble Mr. S. B. Sinha, Chief Justice.
(for his Lordships Kind Perusal)
2. One Fair Copy to the Hon'ble Mr. Justice S. R. Nayak,
(for his Lordships kind perusal).

To

1. The Admn. Officer, Department of Atomic Energy, Nuclear Complex ECIL Post, Hyderabad.
2. The Registrar, Central Administrative Tribunal, Haccu Bhavan, Hyderabad.
3. 8 L.R. Copies.
4. The Under Secretary, Union of India, Ministry of Law, Justice, and Company Affairs, New Delhi.
5. The Secretary, A.P. Advocates' association Library, High Court Buildings, Hyderabad.
6. Two C.D. copies.

VPR

2 copies
1 RP
CAT (49)

allowed to remain alive for a long time. It is further well settled that once a new procedure has been laid down for selecting the candidates, all vacancies arising thereafter must be filled up in terms of the amended Rules. Furthermore, the petitioners do not have any legal right to be selected only because they were empanelled as far back as in the year 1992. Reference in this connection has been made to STATE OF BIHAR Vs. SECRETARIAL ASSISTANCE SUCCESSFUL EXAMINEES UNION¹, SHANKARSAN DASH Vs. UNION OF INDIA² and SABITA PRASAD & ORS. Vs. STATE OF BIHAR & ORS.³. SABITHA PRASAD's case (3 supra) is also an authority for the proposition that the panel cannot be allowed to remain ^{alive} for a long time, having regard to the fact that the vacancy position was subject to variation.

The aforementioned question came up for consideration before this Court in W.P.No.23308 of 1996, wherein, having regard to the notification as also Rule 8 (b) of G.O.Ms.No.221 dated 16-7-1994, which reads, "the number of vacancies notified are subject to variation

¹ AIR 1994 SC 736

² 1991 (3) SCC 47

³ 1992 (3) SCALE 361

High Court File No. 112/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WRIT PETITION NO. 17557

/2001 1999

~~U.P.M.P.NO.~~

~~/2001~~

A Writ Petition was filed in the High Court of Andhra Pradesh by Sri I. Subba Rao And NRC, Dept. of Atomic Energy, rep. by A.O. & Another against the Order/Judgment of this Hon'ble Tribunal dated 23-3-99 and made in O.A.No. 1382/97

The High Court was pleased to ~~Dismissed/Allowed/~~ Disposed of ~~The~~ Wf in terms of judgment in WP.No. 17565/99
~~Order Interim Suspension/Stay/Notice the operation of Judgment~~
on 16-2-2001:

The Judgment of the Tribunal in O.A.No. 1382/97 and the Order/~~Notice~~ of the High Court of Andhra Pradesh enclosed herewith for perusal.

Submitted.

DEPUTY REGISTRAR

1452001

REGISTRAR:

HON'BLE VICE-CHAIRMAN:

HON'BLE MEMBER (JUDL) :

HON'BLE MEMBER (ADMN)

5

THE GENERAL AGENTSHIP OF THE UNITED STATES, MAY 19 9 1950
2-5-5001

THE SECRETARY OF THE ARMY

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IN RE: JAMES EARL RAY, Defendant.

RECEIVED THE DIRECTOR OF FBI AT WASHINGTON ON 10/10/54

JAN 10 1968

the belief of many in Colombia is that the Government of this country
has the right to intervene in the internal affairs of Colombia, and
that the United States has the right to intervene in the internal affairs of this country.

(E) (S) (P) (A) (C) (T)

THE COURT MADE THE FOLLOWING ORDER: (See the Hon. JUDGE'S ORDER)

NO'S: 40UG 350 3L00-

CONFIDENTIAL

FOR THE PERSONNEL: NO. 1 2X5: IN. G. INSURANCE BAGGAGE 20 10

FOR THE PETITIONER: H. H. BERGMEYER, JR., ATTORNEY.

[illegible]

order of the court by virtue of the fact that the person
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W.P.No.17557 of 1999

14800N06N72

order

5. THE CONFLICT BETWEEN THE TWO THEORIES OF THE NATURE OF THE STATE

INVESTIGATING OFFICER: BO F'NAN.

1. "UNITED STATES GOVERNMENT" REF. OF VFC-1002-2591 DATED: 10-16-2001

V1D

7. 20000 40000

POFAGGU:-

• B E F I N I S H •

SECRET

WILL BE TILION 11-11221 OF 1023

THE HOLY BIBLE BY J. J. HAYAK

THE HON. DE SAI S. D'SILVA, CHIEF JUSTICE : 18000 HIGH

5. CELL:

EBIDEX THE SIXTEENTH DAY OF FEBRUARY TWO THOUSAND TWO

(JAGGER OFFICIAL JURISDICTION)

17 JUL 68 CORAL GABLES FL 01: DEHN Y BULLY P: VZ LA 7-5VND M/A

DR(3)

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD 9/3
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY THE SIXTEENTH DAY OF FEBRUARY TWO THOUSAND ONE

PRESENT:

THE HON'BLE SRI S.B.SINHA, CHIEF JUSTICE

AND

THE HON'BLE JRI JUSTICE: S.R.MAYAK

WRIT PETITION NO. 17557 of 1999

Between:-

I. Subba Raju

...Petitioner

AND

1. Nuclear Fuel Complex, Dept., of Atomic Energy, Govt. of Andhra Pradesh, rep. by its Administrative Officer, ECIL, Post, Hyd.
2. The Central Administrative Tribunal, Hyderabad Bench, Hyd.

... Respondents.

True
3032001

Petition under Art.226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly in the nature of writ of Mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad, passed in OA.No.1382/97 dated 23-3-99 in so far as it directs the petitioner to again sit for selection for appointment as Junior operator Trainee (Fitter) as illegal, and also directing that the petitioner should be appointed in the post of Tradesman/A for which he was selected or at least be asked to undergo training by appointing him in the post of Junior operator Trainee (Fitter) and pass such other or further orders as this Hon'ble Court may deem fit.

FOR THE PETITIONER: Mr. M. Panduranga Rao, Advocate.

FOR THE RESPONDENTS: Nos. 1 & 2: Mr. L. Narasimha Reddy, SC for Central Court.

No.2: None appeared.

THE COURT MADE THE FOLLOWING ORDER: (per the Hon'ble/Chief Justice the Sri Satyabrata Sinha)

When the matter was called, it has been pointed out at the bar by the learned Standing Counsel for Central Government that the point at issue is covered by the judgement of this Court in W.P.No.17565 of 1999, dated 9-2-2001.

Hence, we dispose of this writ petition in terms of the judgement in W.P.No.17565 of 1999, dated 9-2-2001. While communicating this order, a copy thereof shall be annexed. No costs.

Sd/- P. Vana Kumari,
Asst. Registrar.

// true copy //

Section Officer.

To

1. The Administrative Officer, N.F.C.ECIL Post, Hyderabad (along with a copy of judgement in WP.No.17565/99 date of order on 9-2-2001.
2. The Central Administrative Tribunal, Hyderabad Bench, Hyd.
3. Two C.D.Copies.

K.C.M.

के. सी. एम. न. अ. वि. न. न.
न. अ. वि. न. न. अ. वि. न. न.

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- 2 APR 2001

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न. अ. वि. न. न. अ. वि. न. न.

315
2/4/2001

High Court File No. 112/99

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

WP.MP.No. 20548/99 in WP.No. 16578/99 ~~and~~

WRIT PETITION MP.No. 21851 /1999 in WP. 17557/99

A writ petition ~~were~~ filed in the High Court of Andhra Pradesh by Sri ~~K. Nageswara Rao & 2 dy. & I. Subba Raju~~ ~~Administrative Officer, NFE, ECZL, Hys. & others~~ against the Order/Judgment of this Hon'ble Tribunal dt. 23-3-99 and made in O.A.No. 1382/97.

The High Court was pleased to ~~Dismiss/Allow~~ Order Interim ~~Direction and notices on 10-8-99 & 18-8-99 respectively~~ ~~suspension stay the operation of Judgment on~~

The Judgment of the Tribunal in O.A.No. 1382/97

and the ~~order~~ order of the High Court dated 20-8-99 and the ~~order~~ of the High Court of Andhra Pradesh enclosed herewith for perusal.

28/8/99 Submitted.

Deputy Registrar.

Hon'ble Vice-Chairman. ~~20/8~~

Hon'ble Member (A) I

~~Hon'ble Member (A) II~~

Hon'ble Member (A) III

19/5/82
101

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

11/10/82

11/10/82
11/10/82

INTERIM DIRECTION AND NOTICE

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

DE. 10-8-99

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

TO THE DIRECTOR, GENERAL INVESTIGATIVE DIVISION
FROM THE CHIEF, NEW YORK OFFICE
SUBJECT: [illegible]
RE: [illegible]

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH AT HYDERABAD
TUESDAY THE TENTH DAY OF AUGUST, 1999

: PRESENT :

THE HONOURABLE SRI JUSTICE: B.SUBHASHAN REDDY
AND
THE HONOURABLE SRI JUSTICE: V.ESWARAIAH

W.P.M.P.NO.20548 OF 1999
IN
W.P.NO.16578 OF 1999

Between:-

- 1.K.Nageshwar Rao.
- 2.K.Muralikrishnam Raju.
- 3.A.Venkata Narasimha Raju.

..PETITIONERS (Petitioners in
W.P.No.16578/99 on the file
of the High Court)

AND

- 1.Nuclear Fuel Complex, Dept.of Atomic Energy,
Govt.of India, rep.by its Administrative
Officer, ECIL Post, Hyd.
- 2.The Central Administrative Tribunal,
Hyderabad Bench at Hyderabad.

..RESPONDENTS
(Respondents in do)

Counsel for Petitioners : Mr.M.Panduranga Rao, Advocate

Petition filed u/s.151 CPC praying the High Court to direct the respondents to consider the cases of the petitioners for appointment as Junior Operative Trainee (Fitter) without insisting upon them to appear again for the written test as they had already been selected pending disposal of the W.P.No.16578/99 on the file of the High Court.

The court, while directing issue of notice to the respondents herein to show cause why this application should not be complied with, made the following Order (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:- "INTERIM DIRECTIONS. NOTICE."

Sd/-B. ESTHARY RAO
ASST. REGISTRAR.

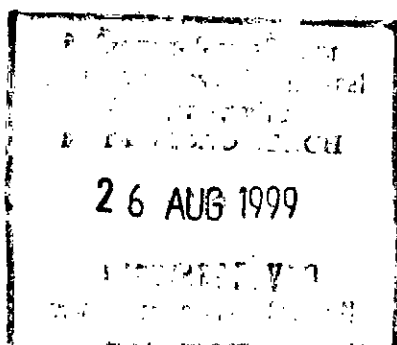
//True copy//

for ASST. REGISTRAR.

TO

- 1.The Administrative Officer, Nuclear Fuel Complex, Dept.of Atomic Energy, Govt.of India, ECIL Post, Hyderabad.(RPAD)
- 2.The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.(RPAD)
- 3.One CC to Mr.M.Panduranga Rao, Advocate (OPUC)
- 4.One spare copy.

P.P.N.R/



Hearing Date

RETURN OF THE WRIT OF CERTIORARI ORDER : NISI

(To be endorsed on writ to appear)

The process of the writ of Certiorari where of mention is within made was served on respondent this day of one thousand nine hundred and ninety

This should be served urgently on the respondent

No. _____ and returned to the High Court

(Sd)

Writ and Rule Nisi

W. P. No.

of 199

Certified that the required conveyance charges and the process for the service of the process have been collected it is requested that English Translation of the process Service, Report, it is in Varnacular, my be sent along with the Rule Nisi returned.

FORM No. 8

RETURN OF THE WRIT OF CERTIORARI ORDER NISI

(To be endorsed on writ to produce)

The process of the writ of ceriorari where of mention is within made wite all things touching the same in the several papers hereto annexed as within commanded,

The Answer of

The

respondent herein

Date

day of
(Sd)

199

(Writ of court Orders - Order List (To Produce and or to apper)

**IN THE HIGH COURT OF JUDICATURE. ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

Tues day the

10th

day of *August*

One Thousand nine hundred and ninty *nine*

WRIT PETITION

16578

of 199 *9*

BETWEEN *K. Nagaswar Rao and 2 others.*

Petitioners

AND

Nuclear Fuel Complex, Department of Atomic Energy
Govt. of India, rep: by its Admn. Officer, ICIL Respondents
Post, Hyderabad. and another.

*2. The Central Administrative Tribunal
Hyderabad Bench Hyderabad*

To

Respondent No. *2*

Mr. M. Panduranga Rao. - upon motion this day made in to this Court
by bring of opinion that the record relating to and touching upon all the matter and
contentions reised in the memorandum of Representaion petition, a copy of which is
annexed here to together with the desision there in should be called for and pursued:
IT IS HEREBY COMMANDED.

(1) That your aforsaid Respondent No *2* do sent of our in High Court of
Judicature of Andhra Pradesh Hyderabad all and singlar the said record and other
with all the things touching the same as full and perfectly as they have been made
by you and now remain in your custody of power together with this. Rule Nisi before
the day of *16/9/1999* and

That you intend to oppose the petition you the a foresaid Respondent, No. *2* do
appear personally OR by Advocate on the *16th* day of *sep* 1999 at 10-30 a.m.
before the Court show case why this petition should not be complied with and that
we may cause further to be done there on what of right and according to law we
shall see fit to be done.

WITNEESS the Hon'ble *Mr. K. S. Narayana Murthy* Chief Justice of High Court of
Judicature, Andhra Pradesh at Hyderabad. *19th* day of *Aug* - 1999
the year one thousand nine hundred ninty *nine*

NOTE: You have to File your Court
Affidavits within 2 months (if not other-
wise it will be treated as null and void)
If you are not able to do so, you should be
intit in book form duly spliced giving
Exhibit No's.....
To Each Document.

Assistant Register
(P.T.O.)

After the interview we were selected and empanelled for appointment. As per letters sent to us on 17/2-2-92 we have been intimated that the selection is provisional and offer of appointment would be issued strictly as per the merit order in the panel as and when vacancies arose. It is, therefore, clear that on the basis of panel, whenever vacancies arose we have to be appointed. Accordingly when a vacancy arose I was asked by letter dated 4-2-1994 to fill up column 7 in the Attestation and Special Security Questionnaire Form.

4. It is submitted that when we were called from the employment exchange that the empanelment is not for one year but against vacancies which are available and which may likely arise in the near future and that whenever vacancies arose the persons who were selected would be appointed. This is clear from their letter dated 17-2-92. It is necessary to submit here that in total reversal of the policy, the respondent again wanted to conduct fresh recruitment leaving the persons who have already been selected and empanelled on the basis of written test and asked the names to be sponsored by the employment exchange changing the nomenclature of the posts as Junior Operator Trainee (Fitter) instead of Tradesman/A. It is submitted that though we have been selected and empanelled we are denied appointment. We have legitimately expected to be appointed because we were informed at the time of selection that we would be appointed whenever vacancies arose on the basis of panel. As our names were empanelled and the same has been intimated to the employment exchange, our names from the rolls of employment exchange have been removed.

2nd page:

Corrections:

Dependent

In the High Court of Judicature Andhra Pradesh at Hyderabad

No. 16578 of 1992

Between

M. Jagannath Rao and others

..

Petitioners

and

Nuclear Fuel Complex, Department of Atomic Energy, Government of India represented by its Administrative Officer, AEC, Hyderabad and another

..

Respondents

Affidavit filed on behalf of petitioners

I, M. Jagannath Rao s/o Appala Rao, 23 years, s/o Hyderabad do hereby solemnly affirm and sincerely state as follows

2. I as the first petitioner herein and as such I am well acquainted with the facts of the case. I am swearing to this affidavit on behalf of other petitioners also having been authorized to do so.

3. I submit that I and other petitioners herein have passed ISI (Victor) course during the years ranging from 1980 to 1984 and registered our names in the employment exchange. In the year 1991 the Nuclear Fuel Complex, Hyderabad sent a requisition to the employment exchange to sponsor the names of eligible candidates for the posts of Tradehand/A and accordingly our names have been sponsored by the employment exchange by its letter dated 4-7-1991. We were asked to submit our applications duly filled in with physical measurements. Accordingly we have sent our applications on 30-7-1992. A Trade test was conducted. We passed the Trade test. Thereafter, those who have succeeded in the Trade test were called for interview.

1st page

Corrections

Dependent

possible for the same. The Hon'ble Tribunal further held that their inappropriate and irregular action had resulted in a serious dis-advance to the applicants. Having held so, the Hon'ble Tribunal said that we should be allowed to sit for the selection process of the Junior Operator Trainee (Fitter) waiving the age qualification. In fact, that we have been selected for higher post and if they want to impart training before appointing us regularly, it will be another matter. But ask us to again sit for Junior Operator Trainee (Fitter) is directly contrary to the earlier reason given by the Hon'ble Tribunal. I submit that the order of the Tribunal discloses an error apparent on the basis of the record. In these circumstances we are constrained to file this writ petition.

6. I submit that we have no other effective alternative remedy except to approach this Hon'ble Court for relief by invoking its jurisdiction under Article 225 of the Constitution of India.

7. I submit that we had not previously filed any other representation or writ petition or suit before any other judicial forum leading to the same cause of action.

8. It is, therefore, prayed that this Hon'ble Court may be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad passed in OA.No.1382/97 dated 25-3-99 in so far as it directs the petitioners to again sit for selection for appointment as Junior Operator Trainee (Fitter) as illegal and also directing that we should be appointed in

4th page:

Corrections:

Deponent

5. While so, when 20 posts of Junior Operator Trainee (Fitter) were sought to be filled up we have filed OA.No. 1582/1997 before the Central Administrative Tribunal, Hyderabad Bench at Hyderabad. In the counter affidavit filed by the respondent it has been stated as follows. It is admitted that we have been interviewed for the post of Tradesman 'A' (Mechanical & Maintenance) during January, 1992. It is also admitted that we have been selected and that offer of appointment would be issued strictly as per the merit in the panel as and when vacancies arose. However, according to them a policy decision was taken on 27-11-94 that all the Tradesman and Supervisors would be recruited initially as trainees for a period of two years prior to appointment on regular basis upon successful completion of training. And accordingly action is being taken and employment exchange is requested to sponsor the names of eligible candidates. It is necessary to submit here that if they changed their policy, we could have been appointed as Trainees as we have already been selected for the posts. It is submitted that the panel was not limited to one year. A number of cases have been cited to say that we are not entitled and that persons who are empanelled will not get a right of employment. It is necessary to submit here that the latest view of the Hon'ble Supreme Court has not been considered. When the matter came up before the Hon'ble Tribunal, the Hon'ble Tribunal agreed with our contention. As per paragraph 8 of the judgement it has been made clear that the appointment order issued to me was on the basis of panel and that no time was fixed for expiry of panel. The Hon'ble Tribunal on 23-3-99 held that there is lapse on the part of the respondent and the respondent is res-

3rd page

Corrections

Deponent

the posts of Foreman/A for which we were selected or at least be asked to undergo training by appointment as in the posts of Jr. Operative Service (JOS) and pass such other order or orders as this Hon'ble Court deems fit and proper.

9. It is submitted that during pendency of the case before the Hon'ble Tribunal, there has been a direction in our favour to fill up the posts of Junior Operative Service (JOS). It is therefore, prayed that this Hon'ble Court may be pleased to direct the respondents to consider the cases of the petitioners for appointment as Junior Operative Service (JOS) without insisting upon them to appear again for the written test as they had already been selected pending disposal of the writ petition and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

End of last page:

Corrections:

Deponent

Solemnly affirmed at Lucknow
on this 21st day of July, 2009
and signed his name before me.

Attested: Mydunbad.

Memorandum of Writ Petition

(Under Article 226 of the Constitution)

In the High Court of Judicature Andhra Pradesh at Hyderabad
(Special Original Jurisdiction)

LP.No. of 1999

Between

1. K. Nageshwar Rao s/o Appalla Swamy,
33 years, resident of Hyderabad.
 2. K. Muralikrishnam Raju s/o K. S.Ch.
Ramaraju, 37 years, resident of
Hyderabad.
 3. A.Venkata Sarashama Raju s/o A. Kri-
shnas Raju, 35 years, r/o Hyderabad
- and

.. Petitioners

1. Nuclear Fuel Complex, Department of
Atomic Energy, Government of India
rep. by its Administrative Officer,
ECIL Post, Hyderabad.
2. The Central Administrative Tribunal,
Hyderabad Bench at Hyderabad

.. Respondents

The address of the petitioners for service of summons,
notices etc., is that of their counsel M/s. M. Panduranga Rao,
M.V.Rama Rao, K.Ravi & M.Brikanth, Advocates, High Court Advoca-
tes' Association, Hyderabad.

For the reasons stated in the accompanying affidavit,
the petitioners herein pray that this Hon'ble Court may be
pleased to issue a writ order or direction particularly one in
the nature of writ of mandamus declaring the order of the
Central Administrative Tribunal, Hyderabad Bench at Hyderabad
passed in CA.No. 1332/97 dated 23-5-99 in so far as it directs
the petitioners to again sit for selection for appointment as
Junior Operator Trainee (Fitter) as illegal and also directing
that the petitioners should be appointed in the posts of Trades-
men/A for which they were selected or at least be asked to
undergo training by appointing them in the posts of Junior
Operator Trainee (Fitter) and pass such other order or orders
as may deem fit.

Hyderabad

Dt: 31-7-1999

Counsel for petitioners

IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH :: AT HYDERABAD

WEDNESDAY THE EIGHTEENTH DAY OF AUGUST
ONE THOUSAND NINE HUNDRED AND NINETY NINE

PRESENT:
THE HON'BLE MR. JUSTICE B. SUBHASHAN REDDY

A N D

THE HON'BLE MR. JUSTICE V.ESWARAI AH

W.P.M.P.NO. 21851 of 1999 in W.P.NO.17557 of 1999

BETWEEN:
I. Subbaraju

Petitioner/Petitioner in W.P.N.
17557/99 on the file of High Court

and

1. Administrative Officer, N.F.C.
ECIL Post, Hyderabad.
2. Central Administrative Tribunal,
Hyderabad Bench, Hyderabad...

Respondents/Respondents in c

Counsel for petitioner :: Mr. M. Panduranga Rao

Petition filed u/s 151 CPC praying the High Court to issue an order directing the respondents to consider the case of the petitioner for appointment as Junior Operator Trainee (Fitter) without insisting upon him to appear again for the Written Test as petitioner already been selected, pending W.P.No.17557/99 on the file of the High Court.

The court, while directing issue of notice to the responder herein to show cause why this application should not be complied with made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:-

"Interim direction as prayed for."

Sd/- D. LAXMINARAYANA
ASST. REGISTRAR

TRUE COPY

for ASST. REGISTRAR

TO

1. The Administrative Officer, N.F.C. Department of Atomic Energy Govt. of India, ECIL post, Hyderabad. BYRPAD.
2. The Central Administrative Tribunal, Hyderabad Bench, HACA BR Hyderabad BYRPAD. O.A. 1382/97.
3. one cc to Mr. M. Panduranga Rao, Advocate (OPUC)
4. Two spare.

bak

413
27/8/99

RECEIVED CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH 27 AUG 1999 DTC/RECEIVED

Hearing date

RETURN OF THE WRIT OF CERTIORARI ORDER NISI

[To be Ordered on Writ to appear]

The process of the writ of certiorari where of mention is made, was served on respondent this day of
One thousand nine hundred and ninety.

This should be served on the Respondent No.
and to the High Court.

[Sd]

Writ and Rule Nisi

W.P.No. of 199

Certified that the required conveyance charges and the process for the service of the process have been collected. It is requested that the English Translation of the process services respect if is vernacular, may be sent along with the Rule Nisi returned.

FORM NO. 8.

FORM NO. 8

RETURN OF THE WRIT OF CERTIORARI UNDER NISI

To be endorsed on writ to produce.

The process of the writ certiorari were of mention is within made with all things launching the same in the several papers hereto annexed, as with commanded.

The annexure of

The

respondent herein

Date

day of

Sd/-

WRIT OF COURT ORDERS—ORDER LIST (TO PRODUCE AND/OR TO APPEAR)
IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD.

(Special Original Jurisdiction)

Wednesday day, the 18th day of August
One thousand nine hundred and ninety nine

WRIT PETITION NO.

17557 of 1999

Between

2. Subbarama

Petitioner

No.

2. Central Administrative Tribunal
Hyd bench Hyd

Respondent

Respondent No. 2

Mr. M. Panduranga Rao On motion this day made into this Court by being
opinion that the record relating to and touching upon all the matters and contentions raised in the Memorandum
of representation petition, a copy of which is annexed hereto, together with the decision therein, should be called
for and pursued.

IT IS HEREBY COMMANDED

- 1) That you, the aforesaid respondent No. 2 do send for our use in High Court of Judicature
of Andhra Pradesh, Hyderabad, all and singular the said record and other with all things touching
the same as fully and perfectly as they have been made by you and now remain in your custody or power
together with this, Rule Nisi before the day of 1999 and 21st Sept

That you intend to oppose the petition, you the aforesaid Respondent No. 2
do appear personally or by Advocate be the 21st day of Sept 1999
at 10-30 a.m. before the Court show cause why this Petition should not be complied with and that we may cause
to be done there on what of right and according to Law shall see fit to be done.

NOTICE :— YOU HAVE TO FILE YOUR COENTER AFFIDAVIT WITHIN 6 MONTHS, UNLESS
OTHERWISE DIRECTED BY THE HIGH COURT, MATERIAL PAPERS RELIED UPON
BY YOU SHOULD BE FILED IN BOOK FORM, DULY STITCHED GIVING EXHIBIT
NUMBERS TO EACH DOCUMENT.

WITNESS : The Hon'ble
Andhra Pradesh at Hyderabad, this the
One thousand nine hundred ninety

Chief Justice of High Court of
Andhra Pradesh, Hyderabad, this the 24th day of August 1999 i.e., the year

Assistant Registrar

// 2 //

of appointment would be based strictly on per the merit order in the panel as and when vacancies arose. It is, therefore, clear that on the basis of panel, whenever vacancies arose ^I have to be appointed. Accordingly when a vacancy arose I was asked by letter dt 4-2-94 to fill up column 7 in the Attestation and Special Security question form.

4) It is submitted that I was called from the Employment Exchange that the empanelment is not for one year but against vacancies which are available and which may likely arise in the near future and that whenever vacancies arose the persons who were selected would be appointed. This is clear from their letter dt 17-2-92. It is necessary to submit here that in total reversal of the Policy, the respondent again wanted to conduct fresh recruitment leaving the persons who have already been selected and empanelled on the basis of written test and asked the names to be sponsored by the Employment Exchange changing the nomenclature of the posts as Junior Operator Trainee (Fitter) instead of Tradesman/A. It is submitted that though I have been selected and empanelled I was denied appointment. I have legitimately expected to be appointed because I was informed at the time of selection that I would be appointed whenever vacancies arose on the basis of panel. As my name was empanelled and the same has been intimated to the Employment Exchange, my name from the rolls of Employment Exchange have been removed.

5) While so, when 20 posts of Junior operator trainee

2nd page :-

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Dependent

In the High Court of Judicature Andhra Pradesh at Hyderabad.

N.F.NO 17557 of 1999

Between:-

I. Subbaraju

...petitioner

and

Nuclear Fuel Complex, Dept of
Atomic Energy Govt of India rep by
by its Administrative Officer SCIL
Post, Hyderabad and another

... Respondent

Affidavit of the petitioner.

I, Subbaraju S/o Butchi Raju aged about 32 years C/o
I.V.Ramraju E. .S.H. 7 A.P.H.B. Quarters Moulaali, Hyderabad
do hereby solemnly affirm and sincerely state as follows :-

- 1) I am the petitioner herein and as such I am well acquainted with the facts of the case.
- 2) I submit that I am the petitioner herein have passed ITI course during the years ranging from 1980 to 84. and registered my name in the Employment Exchange. In the year 1991 the Nuclear Fuel Complex, Hyderabad sent a requisition to the Employment exchange to sponsor the names of eligible candidates for the posts of Tradesman/ and accordingly my name was sponsored by the Employment Exchange by its letter dated 4-7-91. I was asked to submit our application duly filled in with Physical measurements. Accordingly I sent my application on 30-1-92 a Trade test was conducted. I passed the Trade test. Thereafter, those who have succeeded in the Trade test were called for interview. In the interview I was selected and empanelled for appointment. As per the letters sent to me on 17/24-2-92 I have been intimated that the selection is provisional and offer
1st page :-

corrs.

deponent

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is responsible for the same. The Hon'ble Tribunal further held that their in appropriate and irregular action had resulted in a serious disadvantage to the applicants. Having held so, the Hon'ble Tribunal said that we should be allowed to sit for the selection process of the Junior Operator Trainee (Ditter) - waiving the age qualification. In fact, that I have been selected for higher post and if they want to impart training before appointment as regularly, it will be another matter. But ask me to again sit for Junior Operator Trainee (Ditter) is directly contrary to the earlier reason given by the Hon'ble Tribunal. I submit that the order of the Tribunal discloses an error apparent on the basis of the record. In those circumstances I ~~was~~ constrained to file this M.P.

6) I submit a similar writ petition was filed K. Hageewar Rao and 2 others before this Hon'ble Court in W. NO 16570 of 99 and this Hon'ble Court was pleased granted interim directions in W.P.M.P.NO. 20543 of 1999 on 10-6-1999. against the same order.

7) I submit the ~~same~~ Certified copy of the order was filed in W.P.NO 16570 of 1999 by ~~them~~ K. Hageewar Rao and others. I am also a party in the ~~same~~ said O.A. I am herewith filed a typed copy of the Judgment. Hence the filing of the Certified copy in O.A.No 1302/97 dt 23-3-99 maybe dispense with.

8) ~~I am herewith filing this writ petition before this Hon'ble Court against the order of the Tribunal dated 10-6-1999.~~ I submit that I have no other alternative remedy except to approach this Hon'ble Court under Art 226 of Constitution of India by way of a W.P. I have not filed any Writ, Suit or any legal proceedings against the orders passed in O.A. 1302/97
4th page :-

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deponent

(Fitter) were sought to be filled up ~~under~~ ⁱⁿ filed along with others O.S. NO 1382/97 before the Central Administrative Tribunal Hyderabad Bench at Hyderabad. In the counter affidavit filed by the respondent it has been stated as follows :- It is admitted that we have been interviewed for the post of Tradesman 'A' (Mechanical & Maintenance) during January 1992. It is also admitted that we have been selected and that offer of appointment would be issued strictly as per the merit in the panel as and when vacancies arose. However, according to them a policy decision was taken on 27-11-1994 that all the tradesman and supervisors would be recruited initially as trainees for a period of two years prior to appointment on regular basis upon successful completion of training. And accordingly action is being taken and employment exchange is requested to sponsor the names of eligible candidates. It is necessary to submit here that if they changed their policy, I have been appointed as trainees as I have already been selected for the post. It is submitted that the panel was not limited to one year. A number of cases have been cited to say that I am entitled and that person who are empanelled will not get a right of employment. It is necessary to submit that the latest view of the Hon'ble Supreme Court has not been considered. When the matter came up before the Hon'ble Tribunal the Hon'ble Tribunal agreed with my contention. As per para 8 of the Judgment it has been made clear that the appointment or order issued to me was on the basis of panel and that no time was fixed for expiry of panel. The Hon'ble Tribunal on 23-3-99 held that there is lapse on the part of the respondent and the respondent

3rd page :-

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deponent

9) It is therefore prayed that this Hon'ble Court may be pleased to issue a writ order or direction particularly in the nature of writ of Mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad passed in C.A.No 1382/97 dt 23-1-97 inso far as it directs the petitioners to again sit for selection for appointment as Junior Operator Trainee (Fitter) as illegal and also directing that I may be appointed in the post of Tradesman/A for which I am selected or at least be asked to undergo training by appointing me in the post of Junior Operator Trainee (Fitter) and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

10) It is further submitted that during pendency of the OA before the Hon'ble Tribunal, there has been a direction in my favour not to fill up the posts of Junior Operator trainee (Fitter).

11) It is therefore prayed that this Hon'ble Court may be pleased to direct the respondents to consider the cases of the petitioners for appointment as Junior Operator Trainee (Fitter) without insisting upon them to appear again for the written test as ^{he is} ~~they are~~ already been selected pending disposal of the above writ petition and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed this then
16th day of Aug 1999 at Hyderabad
and signed his name in my
presence after understood the
contents made in the affidavit.

deponent

Hyderabad District.
High Court Hyderabad.
R.P. 40 of 1999

Writ petition

M/s M. Pandurangarao (634)
M.V. Kumarao
K. Ravi
M. Srikanth

Counsel for petitioner.

Memorandum of Writ petition.
(Special original Jurisdiction)

Under Art 226 of constitution of India.

In the High Court of Judicature Andhra Pradesh at Hyderabad.

W.P.NO. 17551 of 1999

Between:-

I. Subbareju s/o Dutchi Raju
32 years, s/o I.V. Nagaraju
B.W.S.H.7 APND Quarters,
Moulali, Hyderabad

... petitioner.

and

1. Nuclear Fuel Complex, Department
of Atomic Energy, Govt of India rep
by its Administrative Officer,
ECIL Post Hyderabad.

2. The Central Administrative Tribunal,
Hyderabad Bench at Hyderabad ... Respondents.

The address of the petitioners for services of summons,
his
notices etc. is that of Extra Counsel W/s M Panduranga Rao,
M.V. Ramarao, K. Ravi & M. Srikanth Advocates, High Court Advocates
Association Hyderabad.

For the reasons stated in the accompanying affidavit the
petitioner herein prays that this Hon'ble Court may be pleased
to issue a Writ order or direction particularly in the nature of
Writ of Mandamus declaring the order of the Central Administrative
Tribunal Hyderabad Bench at Hyderabad passed in O.A.No 1382/97
dt 22-2-99 in so far as it directs the petitioner to again sit for
selection for appointment as Junior operator Trainee (Fitter)
as illegal and also directing that the petitioner should be appointed
in the post of Gradsman / A for which he was selected or at
least be asked to undergo training by appointing him in the post
of Junior operator Trainee (Fitter) and pass such other or further
orders as this Hon'ble Court may deem fit.
Hyderabad.

dt 16-8-99

counsel for petitioner.

CP 15/03

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DATE

Note of the Registry

Order of the Tribunal

3.4.03

C.P. closed. Order on
separate sheets. No colls.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH AT
HYDERABAD

C.P.No.

15 /2003

in

O.A.No.1382/97

Between:

K.Nageswar Rao, son of Appalaswamy,
aged about 40 years, resident of
H.No.24-53, Kakatiya Nagar,
Road No.1, Ramachandrapuram,
HYDERABAD--500 032.

--- Applicant

And

Sri A. Pappachan,
Administrative Officer (Admn.)
Nuclear Fuel Complex,
Department of Atomic Energy,
E.C.I.L. Post,
HYDERABAD.

--- Respondent.

CONTEMPT PETITION FILED UNDER SECTION 17 OF ADMINISTRATIVE
TRIBUNALS ACT, 1985:

For the reasons stated in the accompanying Affidavit,
the Applicant prays that this Hon'ble Tribunal may be pleased
to summon the Respondent and punish the Respondent under
Sections 10 and 12 of Contempt of Courts Act for not
implementing the orders rendered by this Hon'ble Tribunal in
O.A.No.1382/97, dated 23-3-1999 and pass such other further
order or orders as this Hon'ble Court deems fit and proper in
the circumstances of the case.

Hyderabad,

dated 6 -3-2003

Kren
Counsel for the Applica

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH AT
HYDERABAD

C.P.No.

15 /2003

in

O.A.No.1382/97

Between:

K.Nageswar Rao, son of Appalaswamy,
aged about 40 years, resident of
H.No.24-53, Kakatiya Nagar,
Road No.1, Ramachandrapuram,
HYDERABAD--500 032.

--- Applicant

And

Sri A. Pappachan,
Administrative Officer (Admn.)
Nuclear Fuel Complex,
Department of Atomic Energy,
E.C.I.L. Post,
HYDERABAD.

--- Respondent.

A F F I D A V I T

I, K.Nageswar Rao, son of Appalaswamy, aged about 40 years, resident of H.No.24-53, Kakatiya Nagar, Road No.1, Ramachandrapuram, Hyderabad do hereby solemnly affirm and sincerely state on oath as follows:-

(1) I am the Applicant herein and as such well acquainted with the facts of the case.

It is submitted that I was selected for appointment to the post of Tradesman-A presently redesignated as Junior Operative Trainee (Fitter) along with others after due process of selection and was empanelled for appointment by letter dated 17-2-1992, stating that I was provisionally selected for the said post and that I would be appointed as and when vacancies arise. However, a fresh notification was issued calling for applications for appointment to the posts

Page 1

Corrections:

K. Nageswar Rao
Deponent.

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of Junior Operative Trainee (Fitter) without appointing me. I and three others filed O.A.No.1382/97 on the file of this Honourable Tribunal seeking a direction to appoint us as Junior Operative Trainees (Fitters). The Hon'ble Tribunal while admitting the O.A. issued Interim Order on 21-10-1997 to keep four posts of Junior Operative Trainee (Fitter) vacant. Subsequently the said O.A. was disposed of by Judgment dated 23-3-1999 holding that we should be allowed to sit for the selection process of Junior Operative Trainee (Fitter) waiving the age qualification, educational qualifications and other qualification notified in the Notification and if they are found successful they should be appointed as Junior Operative Trainee (Fitter) in accordance with the Rules. While holding so, the following direction were given:-

"All the four Applicants should be permitted to submit their applications, if not already submitted for the post of Junior Operative Trainee (Fitter). The age, educational and other qualifications as advertised in the Notification should be waived for all the four Applicants for considering them for selection to the post of Junior Operative Trainee. If they are found fit they should be posted as Junior Operative Trainee (Fitter). While doing so, the Respondents should forget the fact that the Applicants have approached the Tribunal so as to ensure that their cases are dealt without any bias."

Questioning the portion of the Judgment directing them to participate again in the selection process, I and others filed W.P.No.16578 of 1999 before the Honourable High Court of A.P. and the Hon'ble High Court while admitting the Writ Petition granted interim direction on 10-8-1999 in W.P.M.P.No.20548/99 in W.P.No.16578/99 directing the

Page 2

Corrections:

K. Nagaraj Rao
Deponent.

Respondents to consider my case and also the cases of other Petitioners therein for appointment as Junior Operative Trainee (Fitter) without insisting upon them to appear again for the written test as they were already selected. Ultimately the W.P.No.16578 of 1999 was disposed of by the Hon'ble High Court by Order dated 12-6-2002 directing the Respondents to consider my case and the cases of other Petitioners therein for appointment to the post of Junior Operative Trainees as and when vacancies arise.

It is submitted that after receiving the copy of the Judgment rendered by the Hon'ble High Court in W.P.No.16578/99 I have submitted a representation to the Respondent herein on 8-9-2002 requesting to consider my case for appointment as Junior Operative Trainee (Fitter) as per the Judgment of the Hon'ble High Court in W.P.No.16578/99 and the Judgment of this Hon'ble Central Administrative Tribunal in O.A.No.1382/97. Thereupon the Respondent herein issued Order in Ref. NFC/PAR-I/03/06/1241, dated 3-10-2002 stating that my case cannot be considered for the post of Stipendiary Trainee Cat.II in N.F.C. as he is over-aged. It is submitted that the aforesaid Order dated 3-10-2002 was issued by the Respondent herein in utter violation of the orders of this Honourable Tribunal in O.A.No.1382/87 wherein it was categorically held that the age, educational and other qualifications as advertised in the Notification should be waived for me. Therefore, I got issued a legal notice to the Respondent on 25-10-2002 stating that the action of the

Page 3

Corrections:

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K. Nagarwan Rao
Deponent.

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Respondent is in violation of the orders of the Hon'ble Tribunal and the same amounts to contempt. In response to the legal notice, the Respondent issued an order on 23-11-2002 vide Ref. NFC/Vig./WP 16578-99/2002/482 reiterating the earlier order dated 3-10-2002 stating that my case cannot be considered for the post of Stipendiary Trainee, Category-II (Fitter) by virtue of his over-age. As already submitted above, this Hon'ble Tribunal in its Order dated 23-3-199 in O.A.No.1382/97 categorically held that the age, educational and other qualifications should be waived for me and the other Applicants in the said O.A. for considering for selection to the post of Junior Operative Trainee and if they are found fit they should be posted as Junior Operative Trainee (Fitter). This Hon'ble Tribunal also categorically held that while doing so, the Respondents should forget the fact that the Applicants have approached the Tribunal so as to ensure that their cases are dealt without any bias. It is necessary to submit here that the Order rendered by this Hon'ble Tribunal in O.A.No.1382/97 has become final. The Respondent has not filed any Writ/Appeal before the Hon'ble High Court. I have filed W.P.No.16578/99 before the Hon'ble High Court questioning the portion of the direction in O.A.No.1382/87 directing the Applicants to participate again in the selection process and the Hon'ble High Court also disposed of the said Writ Petition by order dated 12-6-2002 to consider the case of the Applicant for appointment as Junior Operative Trainee as and when vacancies arise. As already submitted above, this Hon'ble Tribunal earlier issued Interim Order in O.A.No.1382/87 directing the Respondents to

Page 4

Corrections:

K. Nageswara Rao
Deponent.

[Signature]

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keep four posts of Junior Operative Trainee (Fitter) vacant. Ultimately this Hon'ble Court disposed of the aforesaid O.A. directing that my case and the cases of the other Applicants in the O.A. should be considered for appointment to the post of Junior Operative Trainee (Fitter) without any bias, waiving the age, educational and other qualifications. Inspite of that the Respondent herein have not considered my case for appointment to the post of Junior Operative Trainee on the ground that he is over-aged. This action of the Respondent is nothing but wilful disobedience of the orders of this Hon'ble Tribunal and the same amounts to contempt.

RELIEF: It is, therefore, prayed that this Hon'ble Tribunal may be pleased to summon the Respondent and punish the Respondent under Sections 10 and 12 of Contempt of Courts Act for not implementing the orders rendered by this Hon'ble Tribunal in O.A.No.1382/97, dated 23-3-1999 and pass such other further order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Sworn and signed before me

on this day of February, 2003

at Hyderabad.

K. Nageswara Rao
Deponent.

Before me.

T. N. Sankar
Advocate: Hyderabad.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH
AT HYDERABAD

C.P.No. /2003

in

O.A.No.1382 of 1997

MATERIAL PAPERS INDEX

Sl.No.	Description of Document	P.No.
01.	Copy of Order dt. 23-3-1999 in O.A.No.1382/97	6-13
02.	Copy of Order dated 12-6-2002 in W.P.No.16578/99 on the file of High Court of A.P.Hyderabad.	-14-
03.	Order dated 3-10-2002 issued by Administrative Officer Nuclear Fuel Complex, Hyderabad.	-15-
04.	Legal notice, dated 25-10-2002.	16-17
05.	Order dated 23-11-2002 issued by Administrative Officer Nuclear Fuel Complex, Hyderabad.	18-19

K. S. Rao
Counsel for the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1382/97

Date of Order: 23.3.9

BETWEEN :

1. K.Nageswar Rao
2. K.Muralikrishnam Raju
3. I.Subba Raju
4. A.Venkata Narasimha Raju

.. Applicants.

AND

Nuclear Fuel Complex,
Dept. of Atomic Energy,
Govt. of India, rep. by
its Administrative Officer,
ECIL Post, Hyderabad.

.. Respondent.

Counsel for the Applicants

.. Mr.M.Panduranga

Counsel for the Respondents

.. Mr.B.N.Sharma

CORAM :

HON'BLE SHRI R.RANGARAJAN ; MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR ; MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.K.Ravi for Mr.M.Panduranga Rao, learned counsel
for the applicant and Mr.B.N.Sharma, learned standing
counsel for the respondents.

R

D

K.Ravi

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3. There are four applicants in this OA. They were selected for the post of Tradesman 'A' for which a trade test was conducted on 30.1.92. Thereafter an interview was also held and the applicants were informed that they were selected and empanelled for appointment by letter No. NIC/PAR/11/001/456, dated 17.2.92 (A-2). That letter was addressed to applicant No.1. It is stated that similar letters were addressed to other applicants also. The letter dated 17.2.92 addressed to Applicant No.1 is reproduced below :-

"With reference to the interview you had attended at Nuclear Fuel Complex for the post of Tradesman/A we are happy to inform that you have been selected and empanelled for appointment. Attestation Forms in quadruplicate are sent herewith with a request to fill the same as per the instructions outlined in the forms and submit the same on or before 10.3.1992.

You may please note that your selection is only provisional and offer of appointment will be issued strictly as per the merit order in the panel and as and when vacancies arise. No interim correspondence will be entertained in this regard".

4. Thereafter it is stated for the respondents that the policy of appointing Tradesman was changed and it was decided to appoint Junior Operator Trainee (Fitter) on the basis of the policy decision taken by the Government. It is stated that the said policy decision was taken some time

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in 1994. Thereafter they have approached the Employment Exchange for sponsoring candidates and thereafter an open notification was issued sometime in 1998.

5. The applicants ^{be-} having aggrieved by the action of the respondents in not appointing them as Tradesman and processing the recruitment to the post of Junior Operator (Trainee) ^(Fitter) have filed this OA praying for a declaration that the action of the respondents in not appointing the applicants though they have been selected and empanelled for the post of Tradesman/A and resorting to the mode of fresh recruitment redesignating the post as Junior Operator Trainee (Fitter) is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and further declare that the applicants are entitled to be appointed as Tradesman/A now redesignated as Junior Operator Trainee (Fitter) as they were already selected and empanelled for appointment.

6. An interim order was passed in this OA on 21.10.97 whereby the respondents ^{were} are directed to keep the 4 posts of Junior Operator Trainee (Fitter) vacant.

7. A reply has been filed in this OA. The main contention of the respondents in this OA is that it is prerogative of the Government to change the policy as deemed fit under the need of the circumstances. The filling up of the post of Tradesman/A was stopped and it was decided to recruit Junior

Operator Trainee (Fitter) instead of recruiting Tradesman/. It was also submitted that the applicants cannot demand posting them as Tradesman/A post as the panel life is limited. The panel was published in 1992 and it normally expired in 1½ or 2 years time. As the policy decision was taken to operate only the post of Junior Operator Trainee the question of appointing the applicant as Tradesman even though they were selected for the post of Tradesman/A does not arise. They also rely on the various judgements of the Apex Court to state that the applicants cannot demand posting even if they are kept in the panel for posting.

8. We heard both sides. It is very necessary to scrutinise the offer of appointment order issued to Applicant No.1 dated 17.2.92. Para-2 of that letter is to be scrutinised in its full form. As per this para it is evident that there is no time limit fixed for the expiry of the panel. It clearly states that the Applicant No.1 will be appointed as Tradesman/A as and when vacancies arise in accordance with the merit position. If it is the intention of the respondent to limit that panel for 1½ or 2 years the question of appointing them as and when vacancies arise ^{does arise} ~~is not correct~~. It should have been stated very clearly that the panel is operative for a period of 1½ or 2 years and during that period as and when vacancies arise the empanelled applicant will be considered for the posting. In the absence of time limit ^{the} in panel merely saying as and when vacancies arise will only mean that the

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panel was kept open indefinitely. It is a gross mistake on the part of the respondents to issue such an offer of appointment without any finality. We deprecate such offer of appointment without scrutinising the implications of the said letter.

9. Having issued that letter the respondents should have at least informed the applicant that the policy has ^{been} changed and there is no need to appoint Tradesman/A even if vacancies are there after certain dates and that the selection of the applicant ceased to exist from a prospective date. It is stated that the new policy decision was taken in 1994. It is not known why the respondents had kept quite ^{without} ~~to~~ informing the applicant suitably after taking that policy decision. We fully agree with the applicant when they say that they are not aware of the policy decision. Unless it was informed by the respondents it is beyond their capacity to know the change ⁱⁿ of policy ~~decision~~. We would even go to the extent of saying that the responsibility for ^{this} ~~their~~ lapse is fully on the part of the respondents. Suitable remedial measures have to be taken so that recurrence of ^{such} ~~lapse~~ will not ~~occur~~ in future. The applicant came to know ^{the} recruitment process of Junior Operator Trainee only when the open notification was issued. The applicants have correctly taken action in approaching this Tribunal when the change of the policy decision was known to them instead of wasting their time in representing.

[Signature]

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[Signature]

10. The applicants were offered appointment in the year 1992. Thereafter lot of water had flown in. The legitimate expectation of the applicant in view of the letter dated 17.2.92 cannot be taken away from them. Because of that legitimate expectation they waited for such a long time. If they had been told regarding the policy decision ^{taken} in 1994 they would have approached the other institution for appointing them. Those opportunities were lost to the applicants because of the inaction of the respondents organisation. Further because of the passage of long time the applicants have also lost hope of getting opportunities in the other organisation due to limitation of age. Hence the inappropriate action of the respondents have resulted in the applicants having been placed in a very serious disadvantageous position.

11. Further the reliance of the various Supreme Court judgements relied upon by the applicants may not come to the rescue of the respondents in view of the reasons stated above. Hence it is not necessary for us to go into those cited judgements for deciding this issue. We are fully aware that a selected candidate has no right to be appointed. But in the circumstances quoted above the respondents are fully responsible in obstructing the course available to the applicants to improve their future prospects.

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12. The learned counsel for the respondents himself observed yesterday that the applications of the applicants for the post of Junior Operator Trainee would ^{not} have been accepted in view of the age bar. Hence the respondents themselves are aware that their inappropriate and irregular action had resulted in a serious disadvantage to the applicants herein.

13. In view of the above we feel that the applicants should be allowed to sit for the selection process of the Junior Operator Trainee (Fitter) waiving the age qualification, educational qualification and other qualification notified in the notification. If they are found successful they should be appointed as Junior Operator Trainee (Fitter) in accordance with the rules.

14. In the result the following direction is given :-

All the four applicants herein should be permitted to submit their applications if not already submitted for the post of Junior Operator Trainee (Fitter). The age, educational and other qualifications as advertised in the notification should be waived for all the four applicants herein for considering them for selection to the post of Junior Operator Trainee. If they are found fit they should be posted as Junior Operator Trainee (Fitter). While doing so the respondents should forget the fact that the applicants have approached

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the Tribunal so as to ensure that their cases are dealt ~~in~~
without any bias.

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

No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

OA 1382/97

23.3.99

2.4.99

[Signature]

Officer

Administrative Tribunal
HYDERABAD BENCH.

Kari

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(14)

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TWELFTH DAY OF JUNE
TWO THOUSAND AND TWO

PRESENT
THE HON'BLE MR. JUSTICE **BILAL NAZKI**
AND
THE HON'BLE MR. JUSTICE **D.S.R. VARMA**

WRIT PETITION NO. 16578 OF 1999

BETWEEN:

1. K. Nageshwar Rao
2. K. Muraliskrishnam Raju
3. A. Venkata Narasimha Raju

... Petitioners

and

1. Nuclear Fuel Complex, Department of Atomic Energy, Government of India, rep. by its Administrative Officer, ECIL Post, Hyderabad
2. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad

... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therein the High court will be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad passed in O.A.No. 1382/97 dated 23-3-99 in so far as it directs the petitioners to again sit for selection for appointment as Junior Operator Trainee(Fitter) as illegal and also directing that the petitioners should be appointed in the posts of Tradesmen/A for which they were selected or at least be asked to undergo training by appointing them in the posts of Junior Operator Trainee (Fitter).

FOR THE PETITIONERS: Mr. M. Panduranga Rao

FOR THE RESPONDENTS: Mr. C.V. Ramulu, SC for C.G.

The Court made the following order :
(Per Hon'ble Mr. Justice Bilal Nazki)

" Both the counsel appearing for the parties agree that this writ petition is covered by the judgment delivered in W.P.No. 17557 of 1999, dated 16-2-2001. Accordingly this writ petition is disposed of in terms of judgment in W.P.No. 17557 of 1999. The Registry is directed to enclose a copy of the judgment in W.P.No. 17557 of 1999 to this order.

Sd/- S. BHARATHI
ASSISTANT REGISTRAR

// true copy//

for Assistant Registrar

To

1. The Administrative Officer, Department of Atomic Energy, Nuclear Fuel Complex, ECIL Post, Hyderabad(RPAD)
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad
(with a copy of order in W.P.No. 17557 of 1999)
3. Two CD Copies.

YVN

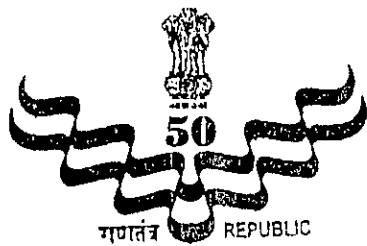
KSV
09/08/2002
KSV

KSV

INDEPENDENT
COPY SENT TO
HIGH COURT OF ANDHRA
HYDERABAD

15

दूरभाष
Telephone } 7120151
तार
Telegrams } नाभिकीय ईंधन
फैक्स
Fax } NUCFUEL
E-Mail } 040-7121271



भारत सरकार
परमाणु ऊर्जा विभाग
नाभिकीय ईंधन सम्मिश्र
ई.सी.आई.एल. डाकघर
हैदराबाद - 500 062.
GOVERNMENT OF INDIA
DEPARTMENT OF ATOMIC ENERGY
NUCLEAR FUEL COMPLEX
E.C.I.L. (P.O.)
HYDERABAD - 500 062.

Ref: NFC/PAR-I/03/06/1241

October 03, 2002.

Shri K Nageswara Rao
H.No 24-53, Kakatiya Nagar,
Road No:1
Ramachandrapuram,
Hyderabad - 500 032.

Sub: Recruitment of Stipendiary Trainee Cat.II - Reg

Sir,

Please refer to your letter No. Nil dated 08.09.2002 and also to the judgement dated 12.6.2002 of Hon'ble High Court of AP disposing the WP No. 16578/99 in terms of judgement dated 16.2.2001 in WP 17557 of 1999.

Hon'ble High Court of Andhra Pradesh vide judgement dated 16.2.2001 disposed WP. No.17557, in terms of judgement in WP No.17565 of 1999, dated 09.02.2001, directing the respondent to consider the cases of all the eligible candidates including the petitioners in accordance with the amended rules.

In pursuance of the Hon'ble High Court judgement your case has been considered and it is found that you are not meeting the age requirement as per the amended rules for the post of Stipendiary Trainee Cat.II. As per the recruitment rules for the post of Stipendiary Trainee Cat.II the maximum age is 22 years with relaxations for the candidates belonging to SC/ST/OBC as per rules on the reservations. However on examining your case it is found that, as on that date, your case cannot be considered for appointment for the post of Stipendiary Trainee Cat.II in NFC as your date of birth as per SSC certificate submitted is, 10-02-1962 and thus over aged for the said post, as per recruitment rules.

Thanking you,

Yours faithfully,

[Signature]

(T Y Prahalad Rao)
Administrative Officer

Kani

K. RAVI M.A., B.L.

Advocate and Standing Counsel for
Hindu Religious and Charitable
Institutions and endowments
(Telangana Region)
in the High Court of A.P.

16

Phone : 7561909

Flat No. S-2,
Siddhardha Villa Apartments.
Near Ramalayam & Post Office.
New Nallakunta,
Hyderabad - 500 044.

October 25, 2002

To
The Administrative Officer,
Nuclear Fuel Complex,
Department of Atomic Energy,
E.C.I.L. Post,
HYDERABAD.

Sir,

Under the instructions of my client K.Nageswar Rao,
H.No.24-170, Kakatiya Nagar, Ramachandrapuram, HYDERABAD -
500 032I am issuing the following notice:-

That my client was selected for appointment to the post of Tradesman/A which is presently redesignated as Junior Operative Trainee (Fitter) along with others after due process of selection and he was empanelled for appointment by letter dated 17.2.1992 stating that he was provisionally selected for the said post and that he would be appointed as and when vacancies arise. However, a fresh Notification was issued calling for applications for appointment to the posts of Junior Operative Trainee (Fitter) without appointing my client. Then my client and three others filed O.A.No.1382/97 on the file of Hon'ble Central Administrative Tribunal, Hyderabad. The Hon'ble Tribunal while admitting the O.A. granted interim direction to keep four posts unfilled in our favour. Subsequently the said O.A. was disposed of by order dated 23.3.1999 holding that the action of the Respondents therein in not appointing the Applicants i.e. my client and three others is illegal. The Hon'ble Tribunal categorically held in the said order that the age, educational and other qualifications as advertised in the Notification should be waived for all the four Applicants (my client and three others) for considering them for selection to the post of Junior Operative Trainee. The Hon'ble Tribunal, however, directed that the Applicants (my client and three others) should appear for written test once again. Questioning this part of the order of the Hon'ble Central Administrative Tribunal my client and two others filed W.P.No.16578 of 1999 before the Hon'ble High Court of Andhra Pradesh and the Hon'ble High Court while admitting the Writ Petition granted interim direction on 10th August, 1999 in W.P.M.P.No.20548/99 in W.P.No. 16578/99 directing you to consider the case of my client and others for appointment as Junior Operative Trainee (Fitter) without insisting upon them to appear again for the written test, as they had already been selected. In spite of the aforesaid interim directions of the Hon'ble High Court you have not considered the case of my client for appointment as Junior Operative Trainee as directed by the Hon'ble High Court. Subsequently the High Court of Andhra Pradesh disposed of the Writ Petition filed by my client and two others i.e. W.P.No.16578/99 by Order

K. Ravi

17

dated 12.6.2002 in terms of the Judgment in W.P.No.17557/99, dated 16-2-2001 with a direction to consider the case of the Petitioners (my client and two others) for appointment to the post of Junior Operative Trainee.

Immediately after receiving copy of the Judgment in W.P.No.16578/99 my client made a representation, dated 8-9-2002 to you along with the copy of the Judgment in the said W.P. requesting you to consider his case for appointment as Junior Operative Trainee (Fitter) as per the Judgment rendered by the Hon'ble High Court of A.P. in the above Writ Petition and the Judgment in O.A.No.1382/97 on the file of Central Administrative Tribunal, Hyderabad Bench. But you have rejected the claim of my client vide Ref. NFC/PAR-I/03/06/1241, dated 3-10-2002 on the ground that my client's case cannot be considered for appointment to the post of Stipendiary Trainee Cat.II in NFC. as he is overaged as per the amended Rules. It is necessary to state here that the Honourable Central Administrative Tribunal, Hyderabad Bench had categorically held in the Judgment rendered in O.A.No.1382/97 that the age, educational and other qualifications as advertised in the Notification should be waived for all the four Applicants (my client and three others) for considering them for selection to the post of Junior Operative Trainee. This part of the Judgment of the Hon'ble Central Administrative Tribunal, Hyderabad Bench stand unaltered by the Honourable High Court of Andhra Pradesh in W.P.No.16578/99 referred to supra. Inspite of that you have rejected my client's claim for appointment to the post of Junior Operative Trainee (Stipendiary Trainee Cat.II) by order dated 3-10-2002 unjustly on the ground that he is overaged eventhough the age, educational and other qualifications should be waived for my client as per the Judgment, dated 23.3.1999 in O.A.No.1382/97 on the file of Central Administrative Tribunal, Hyderabad Bench. This action of yours amounts to wilful disobedience of the orders of the Honourable High Court of Andhra Pradesh in W.P.No.16578/99 and the Honourable Central Administrative Tribunal, Hyderabad Bench in O.A.No.1382/97.

Therefore, I call upon you to consider my client's claim for appointment to the post of Junior Operative Trainee (Stipendiary Trainee Cat.II) without reference to the age which is categorically waived by the Central Administrative Tribunal, Hyderabad in O.A.No.1382/97, within two weeks from the date of receipt of this notice, otherwise my client will be constrained to file contempt case against you in which event you will be held liable for all costs and consequences thereof.

(K. RAVI)

K. Ravi

टेलिफोन :
Telephone : 7120151

सार : नाभिकीय ईंधन
Telegram : NUCFUEL

फैक्स : 040-7121271
Fax :



भारत सरकार
GOVERNMENT OF INDIA

परमाणु ऊर्जा विभाग
DEPARTMENT OF ATOMIC ENERGY

नाभिकीय ईंधन सम्प्लेक्स
NUCLEAR FUEL COMPLEX
(an ISO 9002 Organisation)



ईसिआइएल डाक घर
E. C. I. L. (P. O.)
हैदराबाद-500 082
HYDERABAD-500 082.

पंजीकृत (पावती पत्र) डाक
REGD. POST A/D.

Ref: NFC/Vig/WP 16578-99/2002/482

November 23, 2002

Shri K. Ravi, Advocate,
Flat No.S-2, Siddhardha Villa Apartments,
Near Ramalayam & Post Office
New Nallakunta
HYDERABAD - 500 044

Sir,

Please refer to your legal notice dated 25.10.2002 regarding appointment of your client Shri K. Nageswar Rao to the Post of Stipendiary Trainee (Cat-II) in Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad.

In this connection, your attention is invited to the Judgement dated 12.06.2002 disposing WP No. 16578 of 1999 by the Hon'ble High Court of Andhra Pradesh in terms of the Judgement dated 16.02.2001 in WP No.17557 of 1999 and in WP No.17565 of 1999 dated 09.02.2001.

The Hon'ble High Court of A.P. vide its Judgement dated 09.02.2001 in W.P. No.17565 held that ;

- (i) It is now a well settled principle of law that a panel cannot be allowed to remain alive for a long time ;
- (ii) It is further well settled that once a new procedure has been laid down for selecting the candidate, all vacancies arising thereafter must be filled up in terms of the amended rules.

.....2/-

K. Ravi

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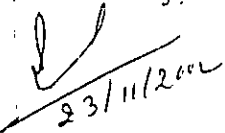
- (iii) The Petitioners do not have any legal right to be selected only because they were empanelled as far back as in the year 1992.
- (iv) The Respondents should consider the cases of all the eligible candidates including the petitioners in accordance with the amended rules.

In compliance of the above Judgement, the case of your client viz., Sri K. Nageswar Rao, has been considered for the post of Stipendiary Trainee, Category - II (Fitter) as per the amended Rules. However, it is found that Sri Nageswar Rao is not meeting the norms under the amended rules by virtue of his over age and hence, NFC is not in a position to consider him for the post of Stipendiary Trainee, Category - II (Fitter).

This fact has already been informed to Shri K. Nageswara Rao, your client vide this office letter No.NFC/PAR-I/03/06/1241, dated 03.10.2002.

Thanking you,

Yours faithfully,


23/11/2002

(A. Pappachan)
Administrative Officer (Admn.)

K. Nageswar Rao

Returned

1. Correct provision of rule should be furnished -
2. Contempt application should be in the form of petition along with affidavit.



All the above objections are
complied with

Kr. Ravi

for the petitioner.



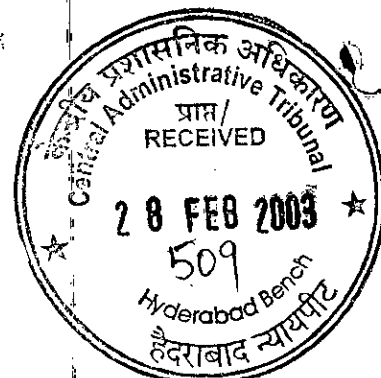
Contempt Application

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL; HYDERABAD

C.P.No. /2003

in

O.A.No.1382 of 1997



CONTEMPT APPLICATION 1/8/17

10T.
Feb 1985

Recd. copy
11/3/03
Mr. B.N.Sharma
Advocate
Sr. C.A.S.C.

Filed By

Mr. K.Ravi,
Advocate
Counsel for the Applicant

Rs. 600/-
3/3/03

May be filed
12/3/03

IN THE HIGH COURT OF JUDICATURE; ANDHRA PRADESH; AT HYDERABAD.

FRIDAY THE FIFTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWO
:PRESENT:

THE HON'BLE Dr. JUSTICE: MOTILAL B. NAIK
AND

THE HON'BLE MR. JUSTICE: V. ESWARAIAH

CONTEMPT CASE No. 1424 of 2001.

(Contempt case u/s. 10 to 12 of contempt of courts Act to punish the respondents herein for violating/disobeying the order of the High court dt: 10-8-1999 in WMP.No.20548/99 in W.P.No.16578/99)
Between:

1.K.Nageshwar Rao
2.K.Muralikrishnam Raju
3.A.Venkata Narasimha Raju.

...Petitioners/petitioners

And

Administrative officer, Nuclear Fuel complex,
Dept. of Atomic Energy, Govt. of India, ECIL Post, Hyderabad,
2 The Central Admn. Tribunal, Hyderabad Bench,
Hyderabad.

.. Respondents.

(Not necessary party)

For the petitioners: Mr. M.V. Ramana Rao, Advocate

For the Respondent: Mr. C.V. Ramulu (CG SC) (N.P)

The court made the following Judgment:-

(Per Dr. MBN.J)

- - -

Alleging wilful disobedience of the order passed by this court in WMP.No.20548 of 1999 in W.P.No.16578 of 1999, dated 10-8-1999, the present contempt case is filed.

It is seen from the docket order of this court, by an order dated 17.11.2001 at the request of the counsel for the respondent, the W.P.No.16578 of 1999 was directed to be listed along with the present contempt case. There is an endorsement by the Registry that the said W.P.No.16578 of 1999 was disposed of by another Division Bench on 12-6-2002. In view of the above and in the absence of counsel for respondent, learned counsel for petitioners making efforts to convince this court that the respondent has committed wilful disobedience, which requires punishment under the provisions of the contempt of courts Act, does not hold water. In the above circumstances, we see no merits in the contempt case. Hence, the same is dismissed.

Sd/- Bh. S. S. Sama,
Deputy Registrar.

//true copy//

Section officer.

To

1. Administrative officer, Nuclear Fuel complex,
Dept. of Atomic Energy, Govt. of India, ECIL post, Hyderabad.
2. The Central Admn. Tribunal, Hyderabad Bench, Hyderabad.
3. 2 CD copies.

Shri. M. R.
dtd 11/11/01
give copy to
R-I/No (P)
dtd



WRIT PETITION NO.17565 OF 1999

JUDGMENT: (per Sri S.B. Sinha, C.J.)

The writ petitioners appear to have been selected in the year 1992, wherefor a selected list was prepared. They were not appointed. Thereafter, in the year 1994, an amendment in the procedure for selection had come into force. The petitioners filed applications, when fresh vacancies were notified, before the Tribunal praying therein for a direction upon the respondents to give effect to the aforementioned 1992 panel. The Original Application was dismissed; whereagainst the present writ petition has been filed.

Learned counsel appearing on behalf of the petitioners submits that by reason of the said 1994 amendment, only a provision for training has been ^{inserted} ~~made~~ and the writ petitioners are ready to undergo such training.

However, it is not disputed that the petitioners ~~having~~ been selected out of 1992 select list. It is now a well settled principles of law that a panel cannot be

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD.

(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE NINTH DAY OF FEBRUARY, TWO THOUSAND ONE.

PRESENT:

THE HON'BLE MR. S. B. SINHA, CHIEF JUSTICE.

AND

THE HON'BLE MR. JUSTICE S. R. NAYAK.

WRIT PETITION NO. 17665 of 1999.

Between:

1. U. Srinivasa Rao

2. Y. V. Ravi Kumar.

..

..

Petitioners.

and

1. Nuclear Fuel Complex, Department of Atomic Energy, Govt. of India, rep. by its Administrative Officer, ECIL Post, Hyderabad.

2. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad, rep. by its Registrar.

..

Respondents.

Petition under Art. 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of Mandamus declaring the order of the Central Administrative Tribunal Hyderabad Bench at Hyderabad passed in O.A. No. 1661/97 dt; 23-3-99 applying the judgment in O.A. No. 1382/97 dt; 23-3-99 in so far as it directs the petitioners to again sit for selection for appointment as Junior Operative Trainee (Fitter) as illegal and also directing that they may be appointed in the posts of Tradesman/A or Tradesmen/B for which they were selected or at least be asked to undergo training by appointing them in the posts of Junior Operative Trainee (Fitter).

FOR THE PETITIONER: Mr. M. Panduranga Rao, Advocate.

FOR THE RESPONDENT NO. 1: Mr. L. Narasimha Reddy, SC for Central Govt.

The Court made the following Judgment:

(CONTD....2)

at any time", It was held that the vacancies arising later on can be pooled for consideration of the candidates for appointment pursuant to the notification. Such is not the case here. In the instant case, vacancies have arisen after 1994 Rules had come into force. The said decision of this Court, therefore, is not of any assistance to the petitioners herein and, in fact, runs counter to the submission made by the learned counsel.

For the reasons afore mentioned, we are of the opinion that no relief can be granted to the writ petitioners.

The writ petition is, therefore, disposed of with a direction upon the respondents to consider the cases of all the eligible candidates, including the petitioners herein, in accordance with the amended Rules. There shall be no order as to costs.

Sd/-M. A. KHAYYUM
ASSISTANT REGISTRAR.

::TRUE COPY::

M. A. Khayyum
SECTION OFFICER.

TO

1. One Fair Copy to the Hon'ble Mr. S. B. Sinha, Chief Justice.
(for his Lordships Kind Perusal)
2. One Fair Copy to the Hon'ble Mr. Justice S. R. Nayak,
(for his Lordships kind perusal).

To

1. The Admn. Officer, Department of Atomic Energy, Nuclear Complex ECIL Post, Hyderabad.
2. The Registrar, Central Administrative Tribunal, Haccu Bhavan, Hyderabad.
3. 8 L.R. Copies.
4. The Under Secretary, Union of India, Ministry of Law, Justice, and Company Affairs, New Delhi.
5. The Secretary, A.P. Advocates' association Library, High Court Buildings, Hyderabad.
6. Two C.D. copies.

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2 copies
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allowed to remain alive for a long time. It is further well settled that once a new procedure has been laid down for selecting the candidates, all vacancies arising thereafter must be filled up in terms of the amended Rules. Furthermore, the petitioners do not have any legal right to be selected only because they were empanelled as far back as in the year 1992. Reference in this connection has been made to STATE OF BIHAR Vs. SECRETARIAL ASSISTANCE SUCCESSFUL EXAMINEES UNION¹, SHANKARSAN DASH Vs. UNION OF INDIA² and SABITA PRASAD & ORS. Vs. STATE OF BIHAR & ORS.³. SABITHA PRASAD's case (3 supra) is also an authority for the proposition that the panel cannot be allowed to remain ^{alive} for a long time, having regard to the fact that the vacancy position was subject to variation.

The aforementioned question came up for consideration before this Court in W.P.No.23308 of 1996, wherein, having regard to the notification as also Rule 8 (b) of G.O.Ms.No.221 dated 16-7-1994, which reads, "the number of vacancies notified are subject to variation

¹ AIR 1994 SC 736

² 1991 (3) SCC 47

³ 1992 (3) SCALE 361

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TWELFTH DAY OF JUNE
TWO THOUSAND AND TWO

PRESENT
THE HON'BLE MR.JUSTICE **BILAL NAZKI**
AND
THE HON'BLE MR.JUSTICE **D.S.R.VARMA**

WRIT PETITION NO. 16578 OF 1999

BETWEEN:

1. K. Nageshwar Rao
2. K. Muraliskrishnam Raju
3. A. Venkata Narasimha Raju

... Petitioners

and

1. Nuclear Fuel Complex, Department of Atomic Energy, Government of India, rep.
by its Administrative Officer, ECIL Post, Hyderabad
2. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad

... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therein the High court will be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad passed in O.A.No. 1382/97 dated 23-3-99 in so far as it directs the petitioners to again sit for selection for appointment as Junior Operator Trainee(Fitter) as illegal and also directing that the petitioners should be appointed in the posts of Tradesmen/A for which they were selected or at least be asked to undergo training by appointing them in the posts of Junior Operator Trainee (Fitter).

FOR THE PETITIONERS: Mr. M. Panduranga Rao
FOR THE RESPONDENTS: Mr. C.V. Ramulu, SC for C.G.

The Court made the following order :
(Per Hon'ble Mr. Justice Bilal Nazki)

" Both the counsel appearing for the parties agree that this writ petition is covered by the judgment delivered in W.P.No. 17557 of 1999, dated 16-2-2001. Accordingly this writ petition is disposed of in terms of judgment in W.P.No. 17557 of 1999. The Registry is directed to enclose a copy of the judgment in W.P.No. 17557 of 1999 to this order.

Sd/- S. BHARATHI
ASSISTANT REGISTRAR

// true copy//

for Assistant Registrar

To

1. The Administrative Officer, Department of Atomic Energy, Nuclear Fuel Complex, ECIL Post, Hyderabad(RPAD)
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad
(with a copy of order in W.P.No. 17557 of 1999)
3. Two CD Copies.

YVN

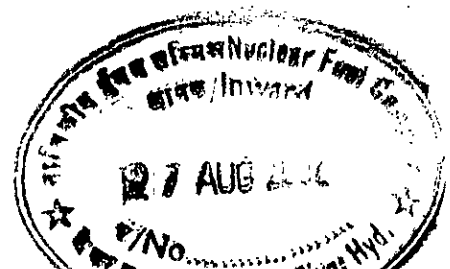
KSV 08/08/2002

KSV 08/08/2002 /N.F.C.

Admn.

Vigilance Section

257



IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY THE SIXTEENTH DAY OF FEBRUARY TWO THOUSAND ONE

PRESENT:

THE HON'BLE SRI S.B.SINHA, CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE: S.R.MAYAK

WRIT PETITION NO. 17557 of 1999

Between:-

I. Subba Raju

...Petitioner

AND

1. Nuclear Fuel Complex, Dept., of Atomic Energy, Govt. of India, rep. by its Administrative Officer, ECIL, Post, Hyd.
2. The Central Administrative Tribunal, Hyderabad Bench, Hyd.

... Respondents.

Petition under Art.226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly in the nature of writ of Mandamus declaring the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad, passed in OA.No.1382/97 dated 23-3-99 in so far as it directs the petitioner to again sit for selection for appointment as Junior operator Trainee (Fitter) as illegal, and also directing that the petitioner should be appointed in the post of Tradesman/A for which he was selected or at least be asked to undergo training by appointing him in the post of Junior operator Trainee (Fitter) and pass such other or further orders as this Hon'ble Court may deem fit.

FOR THE PETITIONER: Mr. M. Panduranga Rao, Advocate.

FOR THE RESPONDENTS: Nos. 1 & 2: Mr. L. Narasimha Reddy, SC for Central Court.
No.2: None appeared.

THE COURT MADE THE FOLLOWING ORDER: (per the Hon'ble Chief Justice the Sri Satyabrata Sinha)

When the matter was called, it has been pointed at the bar by the learned Standing Counsel for Central Government that the point at issue is covered by the judgement of this Court in W.P.No.17565 of 1999, dated 9-2-2001.

Hence, we dispose of this writ petition in terms of the judgement in W.P.No.17565 of 1999, dated 9-2-2001. While communicating this order, a copy thereof shall be annexed.

No costs.

N.F.C.

Admn.

Vigilance Section

Inward No. 1151

Date 22/3

// true copy //

Sd/- P. Vana Kumari,
Asst. Registrar.

Section Officer.

1. The Administrative Officer, N.F.C. ECIL Post, Hyderabad (along with a copy of judgement in WP.No.17565/99 date of order on 9-2-2001).
2. The Central Administrative Tribunal, Hyderabad Bench, Hyd.
3. Two C.D. Copies.

K.C.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP 15/2003 in OA 1382/1997
Date of Order : 3.4.2003

Between:-

K.Nageswar Rao

...Applicant

And

Sri A.Pappachan,
Administrative Officer (Admn),
Nuclear Fuel Complex,
Dept. of Atomic Energy,
E.C.I.L. Post,
Hyderabad.

...Respondent

Counsel for the Applicant : Shri K.Ravi

Counsel for the Respondents: Shri B.N.Sharma, Sr.CGSC

CORAM:


THE HON'BLE JUSTICE SHRI K.R.PRASADA RAO : VICE-CHAIRMAN

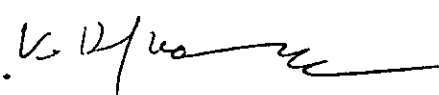
THE HON'BLE SHRI M.V.NATARAJAN : MEMBER (A)

(Order per Hon'ble Justice Shri K.R.Prasada Rao, VC)

Learned counsel for the applicant submits that the petitioner has challenged a portion of the order passed in OA 1382/1997 so far as it relates to the direction given to them to again sit for the selection for appointment as Jr.Operative Trainee (Fitter) as illegal in WP No.16578/99 and the said writ petition has been dismissed without interfering with the said portion of the order passed by this Tribunal. It is also pointed out by him that the respondents have not challenged the order passed by this Tribunal in OA 1382/1997 and the order passed by this Tribunal dt.23.3.1999 has not been set aside or modified. He therefore submits that the direction given by this Tribunal ^{W ✓} ~~that~~ the order dt.23.3.1999 that 'all the four petitioners should be permitted to submit their applications for the post of Jr.Operative Trainee (Fitter) and the age, educational


qualifications as advertised in the notification should be waived for considering their candidature to the post of Jr. Operative Trainee and if they ^{are} found fit, they should be posted as Jr. Operative Trainee, remained undisturbed. Counsel for the applicant therefore submits that the respondent authorities were not justified in rejecting the applicants' applications on the ground that they are age barred. In reply to these submissions, learned standing counsel for the respondents submitted that while disposing of the WP No. 16578/99, the High Court gave direction to the respondents to consider the case of the petitioners in accordance with the amended rules. As the age required under the amended rules is 22 years, the respondents have rejected the applications of the petitioners on the ground that they are age barred. Counsel for the respondents ^{argues} submits that the respondents have not committed any contempt of the orders passed by this Tribunal. It is also pointed out by the standing counsel for the respondents that a similar CP No. 1424/2001 has been moved in the High Court of AP praying for taking action against the respondents for ^{not} ~~for~~ complying with the interim directions given in WPMP 20548/99 in WP No. 166578/99 and the same has been dismissed by order dt. 15.11.2002. Having regard to the above facts, we are ^{unable} ~~not able~~ to ^{hold} ~~accept~~ that the respondents have committed any contempt of the court. Hence the CP is closed. No costs.


(M.V. NATARAJAN)
Member (A)


(K.R. PRASADA RAO)
Vice-Chairman

Dated: 3rd April, 2003.
Dictated in Open Court.

avl.


08/4/03

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

COPY TO:

1. VICE CHAIRMAN
2. HMVN : MEMBER (ADMN.)
3. HSKA : MEMBER (ADMN.)
4. HBR : MEMBER (JUDL)
5. DEPUTY REGISTRAR(A)
6. SPARE
7. ADVOCATE
8. STANDING COUNSEL

IST AND II COURT

TYPED BY
COMPARED BY

CHECKED BY
approved By

THE HON'BLE MR. JUSTICE K.R. PRASADA RAO
VICE - CHAIRMAN

THE HON'BLE MR. M.V. NATARAJAN: MEMBER
(ADMN.)

THE HON'BLE MR. S.K. AGRAWAL: MEMBER
(ADMN.)

DATE OF ORDER : 3/4/03

MA/CP/RA.No. CP. 15/03 20

IN

O.A.No. 1382/97.

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

C.P. CLOSED

DISPOSED OF

DISPOSED OF WITH DIRECTIONS

DISPOSED OF AS WITHDRAWN

REJECTED

DISMISSSD AT INFRUCTIONOUS

DISMISSED FOR DEFAULT

NO ORDER AS TO COSTS

WITH COSTS.

Records/Posting/Notice/Scrutiny

kku.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Spel

CP 15/2003 in OA 1382/1997
Date of Order : 3.4.2003

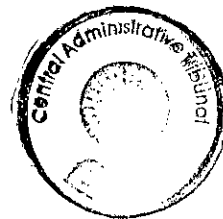
Between:-

K.Nageswar Rao

...Applicant

And

Sri A.Pappachan,
Administrative Officer (Admn),
Nuclear Fuel Complex,
Dept. of Atomic Energy,
E.C.I.L. Post,
Hyderabad.



...Respondent

Counsel for the Applicant : Shri K.Ravi

Counsel for the Respondents: Shri B.N.Sharma, Sr.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI K.R.PRASADA RAO : VICE-CHAIRMAN

THE HON'BLE SHRI M.V.NATARAJAN : MEMBER (A)

(Order per Hon'ble Justice Shri K.R.Prasada Rao, VC)

Learned counsel for the applicant submits that the petitioner has challenged a portion of the order passed in OA 1382/1997 so far as it relates to the direction given to them to again sit for the selection for appointment as Jr.Operative Trainee (Fitter) as illegal in WP No.16578/99 and the said writ petition has been dismissed without interfering with the said portion of the order passed by this Tribunal. It is also pointed out by him that the respondents have not challenged the order passed by this Tribunal in OA 1382/1997 and the order passed by this Tribunal dt.23.3.1999 has not been set aside or modified. He therefore submits that the direction given by this Tribunal in the order dt.23.3.1999 that 'all the four petitioners should be permitted to submit their applications for the post of Jr.Operative Trainee (Fitter) and the age, educational qualifications as advertised in the notification should be waived for considering their candidature to the post of Jr.Operative Trainee and if they are found fit, they should be posted as Jr.Operative Trainee's remained undisturbed. Counsel for the applicant therefore submits that the respondent authorities were not justified in rejecting the applicant's applications on the ground that they are age barred. In reply to these submissions, learned standing counsel for the respondents submitted that while disposing of the WP No.16578/99, the High Court gave direction to the respondents to consider the case of the petitioners in accordance with the ammended rules. As the age required under the ammended rules is 22 years, the respondents have rejected the applications of the petitioners on the ground that they are age

...2.

barred. Counsel for the respondents therefore submits that the respondents have not committed any contempt of the orders passed by this Tribunal. It is also pointed out by the standing counsel for the respondents that a similar CP No.1424/2001 has been moved in the High Court of AP praying for taking action against the respondents for not complying with the interim directions given in WPMP 20548/99 in WP No.166578/99 and the same has been dismissed by order dt.15.11.2002. Having regard to the above facts, we are unable to hold that the respondents have committed any contempt of court. Hence the CP is closed. No costs.

Dated: 3rd April, 2003.
Dictated in Open Court.

Sd/-
(O.R.OM PRAKASH)
for Dy.Registrar (J)

avl.

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या CP-13/03
CASE NUMBER CP-1382/97
निर्णय का दिनांक 3/4/03
DATE OF JUDGMENT 3/4/03
प्रति हेतु प्रति हेतु
COPY MADE BY 9/4/03
अनु
Central Tribunal
हैदराबाद न्यायपीठ/Hyderabad Bench

S. R. No.

District

**In The High Court of Judicature
of Andhra Pradesh, Hyderabad.**

APPELLATE SIDE

CP No. of 200 3

Against

CA No. 1382 of-200 1997

On the file of the Court of

VAKALAT

ACCEPTED

*Accepted
K. Ravi*

Appellant

Counsel for Petitioner

Respondent

Date 200

RAVI KONDAVEETI (2854)

ADVOCATE

Appellant

Counsel for Petitioner

Respondent

Address for Service :

☎ : 7561909

Flat No. S-2, Siddhardha Villa Apartments,
Near Ramalayam & Post Office, New Nallakunta,
Hyderabad - 500 044.

IN THE HIGH COURT OF JUDICATURE

OF ANDHRA PRADESH AT HYDERABAD.

APPELLATE SIDE

CP No. 15 of 2003
Against
OA No. 1382 of 200 1997

On the file of the Court of

K. Nageswara Rao

Appellant
Petitioner

VERSUS

A. Pappachari

Respondent

I/We,

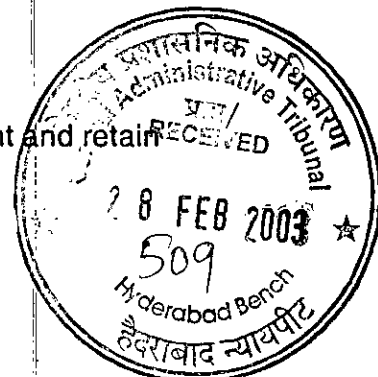
APPALLANT-PETITIONER

RESPONDENT

In the above Application do hereby appoint and retain

RAVI KONDAVEETI (2854)

ADVOCATE



Advocates of the High Court to appear for ME/US in the above APPEAL/PETITION/OA and to conduct and prosecute or defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for retrun of documents or the receipt of any moneys that may be payable to ME/US in the said Appeal/Petition/OA and also to appear in all applications under Clause XV of the Letters patent and in all applications for review and for leave to the Supreme Court of India and in all applications for review of Judgement.

K. Nageswara Rao

I certify that the contents of this Vakalat were read out and explained (.....) in my presence to the executants who appeared perfectly to understand the same and made his/her/their signatures or mark in my presence.

Executed before me this

31 day of January 2003

ADVOCATE HYDERABAD.

(W. Satyanarayana)
Adv