

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1390/97

DATE OF ORDER : 28-10-1997.

Between :-

Mohd.Shareef

... Applicant

And

1. The General Manager,  
Ordnance Factory,  
Yeddumailaram,  
Medak District.

... Respondents

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Counsel for the Applicant : Shri V.Jagapathi

Counsel for the Respondent : Shri V.Bhimanna, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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R

D

... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri V.Jagapati, counsel for the applicant and Sri V.Bhimanna, standing counsel for the respondents.

2. The applicant in this OA was called for the interview to the post of Painter (S.S) on 14-2-92. In continuation of that interview three sets of attestation forms were sent to him for filling by letter No.09207/Admin/OFP/91 dt.23-7-92 (Annexure-6 page-12 to the OA). The applicant filled up those forms and sent it to the respondents. Subsequently some more investigations <sup>were</sup> made in regard to the authenticity of the certificates submitted by the applicant. The applicant submits that he has satisfactorily fulfilled all the conditions. He further submits that he has been found fit for posting against the post of Painter (S.S). After that he was not appointed for a long time. He was going on submitting representations for appointing him in that post in view of his earlier selection.

3. The applicant now submits that a post of Painter (S.S) is vacant and attempts are being made to fill up that post by issuing fresh notification.

4. This OA is filed praying for a direction to the respondents to issue the appointment order to the applicant in the post of Painter (S.S) by declaring that the action of the respondents in withholding the appointment of the applicant as arbitrary, discriminatory and contrary to law.


5. The applicant submits that the <sup>selection</sup> panel, <sup>in</sup> by which he was selected still stands good. That panel cannot be set aside in view <sub>R</sub> <sup>D</sup>...3.


of the judgement in OA 767/89 dt.21-12-89 on the file of this Bench (K.Eshwar & 4 others Vs. The Secretary, M/o Defence, New Delhi & 2 others). When we enquired from him the proof that the fresh notification is being issued to fill up the vacant post, the applicant submits that he heard it from a reliable source. That submission cannot be taken as a proof to grant him the relief.

6. In view of the above submissions, the following direction is given :-

The applicant should submit a detailed representation within a fortnight from the date of receipt of a copy of this order in this connection to the respondent authorities on the basis of the submissions made in this OA as narrated above. If such a representation is received by the respondent authorities, the same should be disposed of expeditiously. Till such time the representation is disposed of, if it is received within the stipulated time, the post of Painter (S.S), if vacant, should not be filled.

7. The Original Application is ordered accordingly at the admission stage itself. No order as to costs.

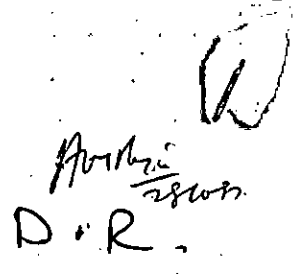
  
(B.S. JAI PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

28 X 97

Dated: 28th October, 1997.  
Dictated in Open Court.

avl/

  
D.R.

6/11/97  
TYPED BY  
COMPARED 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: 28-10-97

~~ORDER/JUDGMENT~~

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

in

O.A.NO. 1390/97

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

