

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1709/97.

Dt. of Decision : 24-12-97.

M.Eashwaraiah

.. Applicant.

Vs

1. The Director General,
E.S.I. Corporation,
New Delhi.
2. The Regional Director,
A.P.Region, Employees'
State Insurance Corporation,
5-9-23, Hill Fort Road,
Hyderabad-500 463.

.. Respondents.

Counsel for the applicant : Mr.P.Naveen Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

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

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

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ORDER

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

Heard Mr. Phaneraj for Mr. P. Naveen Rao, learned counsel for the applicant and Mr. N. R. Devaraj, learned counsel for the respondents.

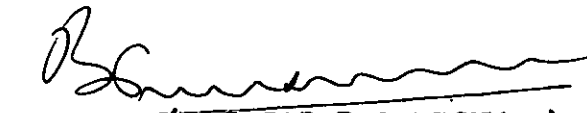
2. The applicant submits that he is working as a part-time Pump Operator-cum-Electrician in respondent organisation w.e.f., 22-2-90 on a consolidated payment of Rs. 750/- per month. It is stated that he is still working. He has^d filed OA. 303/96 on the file of this Bench for regularising him~~in~~ in that post. That OA was disposed of with the observation that "no direction can be given in this case except to say that if and when the post of an Electrician is proposed and sanctioned at any time in future, his candidature, subject to fitness and eligibility, may be taken into consideration, if he applies in time, for the said post without insisting on sponsorship by the employment exchange concerned". Thus the applicant got some relief in that OA. Now, the applicant submits that a requisition has been placed on the employment exchange by letter No. 52-A/11/16/75-Estt, dated 24-9-97 for sponsoring candidates for the post of Peon. He submits that his case also ^{has} to be considered even though his name is not sponsored by the employment exchange in view of the fact that he is working as a Part-time Electrician.

3. This OA is filed praying for a direction to the respondents to consider his case for appointment to the post of Peon for which post the notification issued by the Respondent vide their letter No. 52-A/11/16/75-Estt. dated 24-09-97 ^{along with} and the employment exchange sponsored the candidates (vide their letter dated 29-09-97) keeping the service rendered by the applicant in the department.

The earlier OA filed by him is for the post of Electrician. At that time we have not considered whether he should be considered for other posts also in Group-D, such as, Peon etc. Hence, ^{consideration of} his part-time working as Electrician and direction given in the earlier OA will not help the applicant for this OA. The only point for consideration is whether he should be admitted for the selection for the post of Peon inspite of the fact ^{that} his case is not sponsored by the employment exchange authorities. In this connection, the ^{hon'ble} Supreme Court, ^{in the case} reported in 1996 (6) SCALE 676 (The Excise Superintendent, Malkapatnam Vs. K.B.N.Visweswar Rao & Ors) had already held that even though, ^{but} who were not sponsored by the employment exchange if he ^{they apply} applies in time and possess the essential qualification, they ^{should} also be considered along with the employment exchange sponsored candidates.

4. In view of the above direction of the ^{Hon'ble} Supreme Court the case of the applicant should also be considered for the post of Peon if he is otherwise eligible and submit^s application in time for consideration for the post of Peon in accordance with law.

5. With the above direction, the OA is disposed of at the admission stage itself. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)
24/12/97


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 24th Dec. 1997.
(Dictated in the Open Court)


D. Ramesh

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DA.1709/97

Copy to:-

1. The Director General, E.S.I. Corporation, New Delhi.
2. The Regional Director, A.P. Region, Employees' State Insurance Corporation, 5-9-23, Hill Fort Road, Hyderabad.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate.

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TYPED BY
COMPARED BY

9/12/97
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 PARAMESWAR :
M(J)

Dated: 24/12/97

ORDER / JUDGMENT

MA/R.A./C.A.No.

in

O.A.No. 1709/97

Admitted and Interim Directions
Issued.

Allowed

~~Disposed of With Directions~~

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

SRR

II Court

