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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.975/99

Date of Order:17.2.2000

BETWEEN :

K.Sivaiah

..Applicant.

and

Union of India rep. by its

- i. Director/Chairman,
I.R.I.S.E.T.Complex,
S.C.Railwayl, Lallaguda,
Secunderabad.
2. The Chief Personnel Officer,
S.C.Railway, Secunderabad.

..Respondents.

- - -

Counsel for the Applicant

..Mr.G.S.Rao

Counsel for the Respondents

..Mr.J.R.Gopala Rao

- - -

CORAM :

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

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

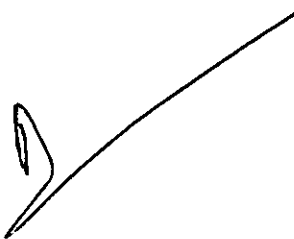
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O R D E R

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

- - -

Mr.G.S.Rao, learned counsel for the applicant and
Mrs.Shakthi for Mr.J.R.Gopala Rao, learned standing
counsel for the respondents.



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2. The applicant in this OA was serving as a Cleaner in the respondent organisation (I.R.I.S.E.T.) and he was removed from service by letter dated 11.9.97. The legality of the said order was questioned in OA.1183/98, which was disposed of on 11.3.99. That OA was disposed of with the direction that the applicant should be absorbed and regularised as soon as he reaches his turn in accordance with the law without any recourse to age bar and other eligibility conditions.

3. The applicant has filed this OA to direct R-1 to consider for calling the applicant in Group-D post serving along with the other candidates whose names in the present names of screening list to be published for empanelment of the candidates for recruitment of group-D service.

4. A reply has been filed by the respondents. The thrust of the reply is that 4 persons were called for screening by order No.ERK/Rect/Gr.D/98, dated 5.7.98 (A-8 to the reply) as the service of the applicant is less than the service put in by the other 4 persons; hence the applicant was not called for screening. The respondents further submit that the applicant will be absorbed as and when his turn comes in accordance with the directions given in OA.1183/98.

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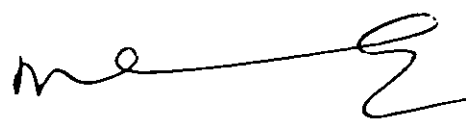
5. Screening of the applicant and keeping him in the panel will ~~be~~ in no way effect the interest of the respondents. Even if the present applicant has put in less number of days of service compared to Sri Satyanarayana ^{mentioned in} by the order dated 5.7.99 screening the applicant will not cause any disadvantage to the respondents. But if there is anybody who have put in more number of days of service than the applicant and less number of days of service compared to Sri Satyanarayana then that casual labour will lose his absorption chance on the basis of the screening of the applicant. Hence the following direction is given :-

6. If there is none who has put in more number of days of service than the applicant but less number of days of service compared to that of Sri Satyanarayana included in the letter dated 5.7.99 then the applicant should also be called for screening along with the others and is empanelled if he is otherwise suitable. Then he should be kept in the panel for absorption ~~as~~ and when his turn comes.

7. O.A. is disposed of as above. No costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)


(R. RANGARAJAN)

Member (Admn.)

Dated : 16th February, 2000

(Dictated in Open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HON'BLE
2. HRRM M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 17/2/2000

MA/RA/CP.NO.

IN

OA. NO. 975/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

