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Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.348/2002

Monday, this the 30th day of September, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

Yashodhar Joshi
s/o Shri Rudramani Joshi
r/o 91, Mohd. Pur Village
R.K. Puram, New Delhi

(By Advocate: None)

...Applicant.

Versus

1. Union of India
Through Secretary
M/O Human Resources Development
Department of Secondary Education &
Higher Education, Govt. of India,
New Delhi.

2. Central Hindi Directorate
Through Director
West Block, VII, R.K. Puram
New Delhi-66

3. Commission for Scientific & Technical
Terminology through Chairman
West Block - VII, R.K. Puram
New Delhi-66

4. Sh. Narsingh Shah
Peon, s/o Central Hindi Directorate
West Block VII, R.K. Puram
New Delhi-66.

....Respondents

(By Advocate: None)

O R D E R (ORAL)

Justice V.S. Aggarwal:

There is no appearance on either side. In these circumstances, we did not have the advantage of hearing the counsel on either side.

2. The relevant facts of the case are that the Central Hindi Directorate and Commission for Scientific & Technical Terminology are sister Organizations. Applicant

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is working with the Commission for Scientific & Technical Terminology as Chowkidar since January 1995. On 16.11.2000, respondent No.2 (Central Hindi Directorate) invited applications from Chowkidar, Frashes and Sweepers etc. working in the Central Hindi Directorate and the Commission for Scientific and Technical Terminology for filling up the post of Peon in Central Hindi Directorate. Only those persons who had completed five years of regular service and were middle school pass could apply for the said post. The applicant had also applied, but was not selected while respondent No.4 (Shri Narsingh Shah) had been selected.

3. By virtue of the present application, applicant seeks cancellation of the written test and selection of respondent No.4 asserting that there was no proper selection committee. The written test was merely a formality and respondent No.4 (Shri Narsingh Shah), in any case, could not have passed the test.

4. The application as such has been opposed.

5. After going through the relevant pleadings and the documents on record, we are of the considered opinion that the application is totally devoid of any merit.

6. A perusal of the Recruitment Rules clearly shows that for the post of Peon, 75% posts have to be filled by direct recruitment and 25% by transfer from the grade of Sweepers, Chowkidars etc. having five years

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service in the grade, who possesses the elementary literacy to read Hindi or English or Regional Language which has to be determined by a simple written test. The applicant had taken the test along with others and has not been selected.

7. Once the test is being held and literacy is one element to be considered to assess the merit for the post, the plea of the applicant indeed falls to the ground. It is denied by the respondents that respondent No.4 is illiterate. There is nothing on the record to show the contrary.

8. Applicant had been considered along with others. In normal circumstances, it is the administrative authority who is to decide and find out an appropriate person. There is precious little for us to conclude from the record that in fact respondent No.4's selection was not proper.

9. Having competed with respondent No.4 and not succeeded, it is too late in the day for the applicant to blame the respondents for selection of respondent No.4. The recruitment was proceeded by a test in accordance with the rules and taking stock of these facts, we find that the present application is without any merit. It must fail and is dismissed.


(M P Singh)
Member (A)

/sunil/


(V S Aggarwal)
Chairman