

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 3290/2001

New Delhi this the 28th day of January, 2003

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Chander Bhan, S/o Late Shri Harpal
R/o 82, Vill. & P.O. Chatterpur,
New Delhi-110 030.

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Applicant

(By Advocate: Sh. J.N. Prasad)

Versus

1. Secretary Staff Selection Commission,
CGO Complex, Lodi Road,
New Delhi-110 003.

2. Secretary, Dept. of Personnel & Training,
North Block, New Delhi-110 001.

Respondents

(By Advocate: Sh. S.M. Arif)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking a direction to the respondents to draw up a final All India Merit List on the basis of the aggregate marks finally awarded to each candidate in written examination and interview and then to recommend the applicant on the basis of merit and preference given by the applicant. Further directions to the respondents to consider the applicant for the post of Inspector of Central Excise, Income Tax, Customs and Sub-Inspector CBI is also against the posts reserved for Scheduled Caste.

2. The facts in brief are that applicant had appeared in the examination conducted by the SSC on 4.7.99 for recruitment to the post of Asstts. Inspectors of Central Excise, Income Tax, Customs, Sub-Inspectors of CBI and also Sub-Inspectors in Central Police Organisations (BSF, CRPF, CISF, ITBP) and Accountants etc. The examination conducted on 4.7.99 was a preliminary one and it was followed by the combined main

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examination which was held on 21.1.2000 onwards till 23.1.2001. Applicant appeared in the said examination and qualified the same. The grievance of the applicant starts from there onwards because when the result of the combined main examination was declared, the applicant was allocated for the post of Sub-Inspector, CPO (BSF, CRPF, CISF, ITBP). Interview was conducted on 23.3.2001 in the office of Resp. No 1 at CGO Complex. Applicant thereafter made a representation to the respondents for being considered for the post of Inspector Income Tax, Inspector Central Excise, Sub-Inspector CBI but no reply was received. Hence this OA.

3. In the grounds to challenge the same it was indicated that the applicant was allocated for the post of Sub-Inspector, CPO so Applicant alleges that action of the respondents is arbitrary and is not as per the scheme of selected candidates given in the notice which has been revised without any further notice to the applicant. Applicant alleges that according to the scheme of selection, as published in the Employment News Resp. No 1 was to draw up an All India Merit List on the basis of aggregate marks finally awarded to each candidate in written examination and interview and thereafter the candidates were to be recommended for different posts. Applicant further alleges that by allocating the applicant for the post of Sub-Inspector, CPO before the interview having been conducted the chances for applicant for selection for the post of Inspector Central Excise, Income Tax, Custom etc. have been marred. Thus, it is an arbitrary action on the part of the respondents.



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4. It is further stated that the SSC has failed to explain the reason as to why and how the cut off marks have been fixed for each category of posts under discretionary power though these discretionary powers were vested for different categories of candidates, i.e. SC/ST/OBC/General.

5. Respondents in their reply admitted that a combined main examination was conducted for recruitment to the post of Assistant, Preventive Officer, Examiner, Inspectors of Central Excise and Customs etc. and Sub-Inspectors of CPOs. But it is submitted that despite the said combined examination the scheme of examination/recruitment process still remain different for different categories of posts as may be seen from notice of examination itself. It is further stated that this scheme has been upheld by various judgments of the Hon'ble Tribunal of Allahabad Bench and Mumbai Bench and the judgment has been so annexed as R-2 and R-3.

6. Counsel for respondents also submitted that recently Court No. 1 of Principal Bench has also delivered a judgment in OA-3291/2001 wherein similar question was raised and the Hon'ble Tribunal has upheld the scheme of the respondents. However, as regards the personal merits of the applicant is concerned, it is submitted that the performance of the applicant was below cut off marks fixed by the respondents for the post of Inspector Central Excise, Income Tax, Custom etc. even with the relaxed standard, so the applicant could not be called for interview for the post of Inspector, Custom and Income Tax.

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7. We have heard the learned counsel for the parties and gone through record.

8. From the perusal of the pleadings and the contentions raised by the applicant, we find that the case of the applicant is fully covered by the judgment given by Court No.1 in case of Rajendra Kumar vs. Staff Selection Commission and another in OA-3291/2001. Particularly para 9 of the judgment clearly mentions that the scheme of combined main examination had been modified.

"(1)he scheme for the combined main examination had been modified. Though there is a combined examination, still there had to be different papers for different categories, reference to which has already been made above. It does not require reproduction. Once there are different papers for different categories besides some common papers and that the applicant had not secured enough marks, he was rightly not called for interview for certain other posts for which he craves to be so selected."

9. The case of the applicant is on all fours on the facts as compared to the case of Rajendra Kumar (supra). In this case also the applicant craves for appointment to a post of Inspector Income Tax or Inspector Central Excise and as per the respondents the applicant has not secured enough marks so that he could be called for interview for those posts. According to the marks secured by the applicant, he has been rightly called for the post of Sub-Inspector in CPO.



9. In view of these discussions, we find that the OA of the applicant is devoid of any merit and the same is liable to be dismissed. Accordingly, we hereby dismiss the OA.

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(KULDIP SINGH)
Member (J)

V.K. Majotra

(V.K. MAJOTRA)
Member (A)

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