

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 165/1999

New Delhi this the 27th day of November, 2000

HON'BLE MR. S.R. ADIGE, VICE-CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Dinesh Kumar,
S/o Shri Mahavir Singh,
R/o A-101, Saraswati Vihar,
and working as Machine Helper
in Central Water Commission,
New Delhi-66.

(16)
-Applicant

(By Advocate: Shri S.S. Tiwari)

1. Central Water Commission,
through its Chairman,
Sewa Bhawan, R.K. Puram,
New Delhi-66.
2. Under Secretary (II),
Central Water Commission
Room No. 324, Sewa Bhawan
R.K. Puram,
New Delhi-66.
3. Shri Sanjiv Kumar,
Offset Machine Operator
in publications division
Central Water Commission
Sewa Bhawan, R.K. Puram,
New Delhi-66.

-Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER

Hon'ble Shri S.R. Adige, VC(A)

Applicant challenges the appointment of Respondent No.3 as Offset Machine Operator ^{in pursuant} to the advertisement dated 23-29.5.98, and seeks appointment in his place with consequential benefits. He also seeks a direction to official respondents that they declare the higher marks and minimum passing marks for the said post.

2. Applicant does not specially deny in rejoinder the specific averments of respondents in their reply that he never applied for the post of Offset Machine Operator in

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(A)

response to the advertisement dated 23-29.5.96. Nor does he specially deny that the post was circulated departmentally as per rules in vogue, vide order dated 27.8.98 in response to which applicant and one other person applied. Pursuant to their applications, applicant as well as the other departmental candidate Shri Ashok Kumar were called for trade test on 20.10.98 along with 26 other candidates.

3. Applicant also does not specially deny in rejoinder, the specific averment of respondents in their reply that out of the total candidates called for the trade test only 13 candidates, including applicant and the other departmental candidates turned up, ^{and} out of them 6 candidates qualified. The said six candidates were interviewed on 21.10.98 and on the basis of the trade test and interview Shri Ashok Kumar the departmental candidate and Shri Sanjiv Kumar, who secured 112 and 94 marks respectively obtained 1st and 2nd position while applicant who secured 90 marks stood third. As there were only two vacancies S/Shri Ashok Kumar and Saniv Kumar Respondent No. 3 were appointed to the post.

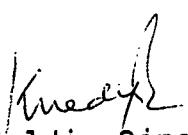
4. During the course of hearing applicant's counsel contended that during the trade test which consisted of operating the offset machine while respondent No.3 failed to operate ^{it}, applicant was able to operate the same successfully. It was also contended that undue weightage was given to the interview in as much as while the written test carried 15 marks and the practical test carried 60 marks, the interview carried 75 marks. Reliance in this

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connection was placed on the rulings in 1993 (24) ATC 13;
1994 Supplement 1 SCC.....; & Radhey Shyam Gupta and ors
Vs. Union of India & Ors JT 1996 (11) SC 33.

5. We have considered these contentions carefully and have gone through the rulings, but in our view they do not help the applicant. The trade test and interview were conducted by senior and experienced officials and we have no reason to doubt their expertise and objectivity. Applicant was considered along with the others in a selection process which gave equal opportunity to all the candidates who had participated in the selection and the fact that he stood third on the selection ^{lends} ~~under~~ weight to ^{assertion} the respondents ^{lends} that the selections were free & fair. Had applicant been subjected to hostile discrimination, there is no reason why respondents would have placed him at No. 3 of the panel.

6. In the result the OA warrants no interference. It is dismissed. No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice-Chairman (A)

cc.