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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

RA No. 331/2000

IN

OA No. 2104/99

New Delhi: this the 31st day of January, 2001.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Neerpal Singh,
S/o Shri Jaipal Singh,
R/o Vill. & PO Saini,
Distt. Meerut (UP)

.....Petitioner.

Versus

1. Union of India,
through Secretary,
Ministry of Power,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-1.
 2. The Chairman,
Central Electricity Authority,
Sewa Bhawan,
R.K. Puram,
New Delhi-66.
 3. Ms. Suman Bala,
Junior Engineer,
Central Electricity Authority,
Sewa Bhawan,
R.K. Puram,
New Delhi-66.
 4. Sh. A.S. Sabharwal,
Junior Engineer,
Central Electricity Authority,
Sewa Bhawan,
R.K. Puram,
New Delhi-66
-Respondents.

ORDER (BY CIRCULATION)

S. R. Adige, VC (A):

Perused RA No. 331/2000 seeking review of the
Tribunal's order dated 14.9.2000 in OA No. 2104/99.

2. In that OA applicant had challenged the appointment
of Ms. Suman Bala, Respondent No. 3 and Shri A.S. Sabharwal
Respondent No. 4 as JEs and had sought a direction
restraining respondents' firm recruiting further JEs
till he was again considered and absorbed as JE in the

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light of the certificate at Annexure-6, and in accordance with GOI's guidelines dated 15.3.96 (Annexure-8).

3. Applicant had earlier filed OA No.1544/98 in which he had inter alia challenged the appointment of Ms.Suman Bala. That OA was disposed of by order dated 8.3.99 (Annexure-4) in which it was held that as applicant had not even applied for appointment as JE, there were no grounds for quashing the appointment of Ms.Suman Bala. A direction was issued to respondents to take a decision on applicant's representation, and also to take necessary steps to consider his case in line with Ms.Suman Bala's case, which would however, depend on availability of vacancies, and such other facts.

4. Applicant admitted in OA No.2104/99 that pursuant to the aforesaid order dated 8.3.99, he was called for interview by respondents, who stated in their reply that the Selection Committee adopted the same criteria for selection as was adopted by the earlier Section Committee, and only those candidates who were able to obtain the minimum qualifying standard prescribed by the competent authority were empanelled. It was stated that as applicant could not attain the minimum qualifying level he was not empanelled.

5. This specific averment of respondents namely that he failed to attain the minimum qualifying level, was not denied by applicant in his rejoinder in the OA. Instead he contended that he was rejected intentionally by the interview Committee despite his fulfilling all the qualifications required for the post of JE, and a certificate issued by one Shri H.R.Gupta, Director after the completion of his apprenticeship training that

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he was very hardworking, disciplined, intelligent and took keen interest in the work entrusted to him.

6. The Tribunal cannot sit in appeal over the findings of the Selection Committee. No malafides have been alleged against any member of the Selection Committee who would have been senior and experienced officials. Notwithstanding applicant possessing the eligibility qualification for the post of JE and having obtained a recommendatory certificate at the close of his apprenticeship training, that by itself is not sufficient to guarantee him appointment as JE if he does not attain the minimum qualifying level during selection.

7. Hence ^{it} ~~this~~ cannot be said that the RA comes within the scope and ambit of Section 22(3)(f) AT Act read with Order 47 Rule 1 CPC to warrant review of the Tribunal's order dated 14.9.2000.

8. RA rejected.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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