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Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.438/95

New Delhi this the 7th Day of March, 1995.

Hon'ble Mr. J.P. Sharma, Member(J)
Hon'ble Mr. B.K. Singh, Member(A)

1. Ms. Vinita,
D/o Sri Om Prakash,
R/o C/o Y.P.S. Verma,
H.No.81, Pocket-13,
C-4B, Janakpuri,
New Delhi.
2. Ms. Savita,
D/o Sri Kanwal Singh,
R/o Vill. Rangpuri, P.O.
Mahipalpur, New Delhi-37.
3. Sri Ravindra Kumar,
S/o Sri Sukhvair Singh Tomar,
R/o Vill.&P.O. Sirsali,
Distt. Meerut(UP).

Applicants

(through Sh. Pravir Choudhury, proxy counsel for
Sh. M.K. Giri, counsel)

versus

1. Ministry of Home Affairs,
through the Secretary, Block
No.12, 5th Floor, CGO Complex,
Lodhi Road, New Delhi.
2. The Chairmain,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi.
3. The Regional Director(NR),
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi.

Respondents

ORDER(ORAL)

delivered by Hon'ble Sh.J.P. Sharma, Member(J)

The Staff Selection Commission issued an advertisement dated 12.12.1993 for a number of posts but not disclosed the vacancies to be filled up and that also included recruitment of Inspectors of Central Excise Income Tax etc. The applicants in pursuance of that advertisement appeared for that selection and qualified in the written test and also called for the interview.

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However, the names of the applicants do not figure in the select list which was finally published by the Staff Selection Commission in the Employment News of 21-27/1/95.

We have heard the learned counsel for the applicants at length and perused the record of the case. The contention of the learned counsel for the applicants is that the merit of the applicants was not adjudged on All India Basis, and on this being adjudged so, they would have been graded and would have been empanelled in the select list. We have gone through the advertisement issued by the Staff Selection Commission and alongwith the learned counsel for the applicants read para-16 of the same. We have also gone through the averments made in the application in para-viii and we find that after the personal test, the merit list is drawn on All India basis. After this process is completed, the allocation of the candidates is made on zonal basis as per the unreserved vacancy in that zone. If there is no vacancy available for unreserved category in that zone, the contiguous zone vacancies are to be taken into account. The learned counsel hammers on the point that the select list has been declared zonewise but this does not go to show that the respondents having not considered the merit of the applicants on All India basis but on zonal basis, it does not appeal that a person who is judged on All India basis can still make a mark on zonal basis.

While having heard the learned counsel, the learned counsel insisted that a notice be issued to the respondents to show how the applicants could not make a grade merely by omission of their names declared by the

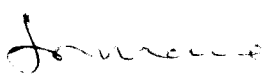
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S.S.C. go to show that they could not obtain that cut off marks which could have made them to come in merit in that selection. We cannot make a roving enquiry regarding the performance of the applicants nor is this open to the Tribunal to interfere at the stage when they have been declared unsuccessful. The same issue has been decided by the Hon'ble Supreme Court in the case of Sh. Om Prakash Shukla Vs. Akhilesh Kumar Shukla reported in AIR 1986 SC 1043.

Normally an aggrieved party has a right to pursue his claim and to be considered regarding the grievance harboured by such party. However, when no prima facie case is made out and the process of the court is utilised for a roving enquiry such an application is not maintainable. We, therefore, dismiss this application in limini under sub clause(3) of Section 19 of the Administrative Tribunals Act, 1985.


(B.K. Singh)

Member (A)


(J.P. Sharma)

Member (J)

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