

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 1679/96
MA-2209/96

New Delhi this the 27th Day of February, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri R.K. Ahooja, Member (A)

Shri M.S. Ashokan
s/o Sh. A.M. Muniswamy
R/o F-1/537-A, Gali No. 2
Uttam Nagar, New Delhi-59

working as Deputy Director (Cooperation)
M/O Civil Supplies, Consumer Affairs and PD
Krishi Bhawan, New Delhi-1

... Applicant

(By Advocate Shri C.B. Pillai)

Vs.

1. Union of India through
The Secretary to the Govt. of India
Ministry of Civil Supplies, Consumer
Affairs & P. D.
Krishi Bhawan, New Delhi-1

2. The Secretary,
Union Public Service Commission,
Dholpur House, New Delhi.

... Respondents

(By Advocate Shri P.H. Ramchandani, learned
senior counsel for Respondent 1.)

(By Advocate Sh. M. M. Sudan, learned counsel
for Respondent 2)

O R D E R (ORAL)

(Hon'ble Shri R.K. Ahooja, Member (A))

The applicant is holding the post of Deputy Director (Cooperation) on an ad hoc basis in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution. His grievance is that Respondent 2 (UPSC) did not consider his application for selection to the post of Deputy Director though his junior in the department was called in the interview.

2. Respondent 2 (UPSC) has filed his reply in which it has been stated that the applicant did not fulfil the shortlisting criteria and as such he was not called for the interview.

3. By the ad interim order dated 9.8.96, the respondents were directed to interview the applicant on purely provisional basis subject to the factual correctness of the applicant's

On

averments that he is otherwise fully eligible for the post, and thereafter keep the results in a sealed cover.

3. We have perused the original records of the respondent No.2 (UPSC) regarding shortlisting criteria and calling of various applicants for interviews. The qualifications for the post read as follows:-

- (i) Master's Degree of a recognised University or equivalent.
- (ii) Seven years experience in a Supervisory capacity in the field of cooperation or Civil Supplies in a Government or cooperative organisation of repute.

DESIRABLE

Diploma in Cooperation from a recognised Institution or equivalent.

4. The applicant's case is that he is eligible for consideration of his selection to the post of Deputy Director being senior to Sh. D.K. Sankar. He has more experience and is better placed than Shri Sankar who has been called for interview but he has not been given the same opportunity. We have perused the documents of the UPSC and find that a certain short listing ^{criteria} was determined and this has been applied in uniformly in all the cases. Learned counsel for the Respondent 2 also relies on the judgment of the Supreme Court in the case of M.P. Public Service Commission v. N.K. Potdar (1994(6) SCC 293 in which it has been held that :-

"where the selection is to be made purely on the basis of interview, if the applications for such posts are enormous in number with reference to the number of posts available to be filled up, then the commission or the Selection Board has no option but to short-list such applicants on some rational and reasonable basis."

In the present case there were 149 candidates who had applied for one post and therefore, there was no illegality in determining the short listing by the Union Public Service.

Commission, the same being done on uniform and equal basis in respect of all the candidates.

5. In the above facts and circumstances of the case, we find no good grounds to interfere in the matter. Accordingly, OA is dismissed. No order as to costs.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

sk