

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 360/1996
M.A. NO. 110/2000

New Delhi this the 18th day of January, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER(A)

1. Suresh Kumar S/O Raghbir Singh,
R/O 234, Bawana, Delhi-39.
2. Sushil Kumar S/O Hari Chand,
R/O Kishangarh, Mehrauli,
New Delhi-30.
3. Sanjeev Kumar S/O Brij Kishan Dubey,
R/O P.O. Andar,
Distt. Siwan (Bihar). ...Applicant

(None present)

-Versus-

1. Delhi Fire Service,
Hqrs. Connaught Place,
New Delhi, through its
Chief Fire Officer.
2. The Secretary (Fire),
National Capital Territory of Delhi,
5, Sham Nath Marg,
Delhi.
3. National Capital Territory of Delhi,
5, Sham Nath Marg,
Delhi, through its
Chief Secretary. ...Respondents

(None present)

O R D E R (ORAL)

Shri R. K. Ahooja, AM :

Applicants, three in number, are aggrieved that though they had qualified the physical endurance test and secured more marks than the prescribed pass percentage of marks, they were not called for interview for the post of fireman advertised by the Government of N.C.T. of Delhi on 14.11.1994 in the Delhi Fire Service. Applicants state that they fulfil all the eligibility conditions for appointment to the

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post of Fireman. They were called for a physical endurance test. The said test consisted of five items, namely, lifting of weight; rope climbing; long jump; taking out a brick from a deep water tank; and fast running. Ten marks were prescribed for this. The pass percentage was prescribed as 6 out of 10 marks according to the recruitment criteria. The applicants claim that they had done well enough to obtain ^{9.5} 9.5 marks. They were also told after the completion of the physical test that all those who had secured more than 60% marks, i.e., 6 out of 10 marks would be called for the interview. The scheme of examination provided for 15 more marks for interview. The applicants claim that they had fair prospects for final selection on the basis of their anticipated performance in the viva voce.

2. The respondents in their reply have stated that they had called for interview only those persons who had secured 9.5 marks and above in the physical endurance test. Since applicant No.1 had secured only 9 marks; applicant No.2, 8 marks; and applicant No.3, 9 marks, they were not called for the interview

3. Today when the matter came up for final hearing, none appeared on behalf of the parties. Since this case is of the year 1996, we consider it appropriate to dispose it of under Rule 15 of the C.A.T. (Procedure) Rules, on the basis of the available pleadings on record.

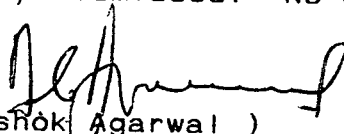
4. The claim of the applicants is based on their having obtained 60% marks in the physical


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endurance test. The posts of Fireman were to be filled on selection basis. There is no stipulation that all those who obtained a minimum pass marks would be called for interview or would be appointed. The respondents have stated that in all there were 172 posts of Fireman for which no less than 61255 applications were received and on scrutiny 38333 applicants were found eligible for being called for physical endurance test. In this situation, the number of applicants to be called for interview had to be shortlisted. Respondents applied the criteria of high percentage in the physical endurance test and the cut-off point was taken as 9.5 marks and above. In the process they were able to call 4 candidates for each post of Fireman. The right of respondents to fix a shortlisting criteria is well accepted by this Tribunal as well as the Supreme Court. There is no claim on the part of the applicants that they had met the shortlisting criteria of 9.5 marks to be eligible for being called for the viva voce. In view of this position, the action of the respondents in limiting the number of persons to be called for interview cannot be faulted.

5. We, therefore, find no merit in the O.A
The same is accordingly dismissed. No costs.


(Ashok Agarwal)
Chairman


(R. K. Ahooja)
Member (A)