

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 210 of 1997

New Delhi this the 24 day of September, 1998

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Vinay Kumar Kaushik
S/o Shri Shyam Lal Sharma
R/o Village & P.O. Sultanpur Dabas,
Delhi-110 039.

...Applicant

Shri Bhaskar Bhardwaj, proxy counsel for Shri Arun
Bhardwaj, Counsel for the applicant.

Versus

1. Union of India through the
Secretary,
Govt. of India,
Ministry of H.R.D.
Department of Culture,
Archaeological Survey of India,
Janpath,
New Delhi-11.

2. Director (Administration)
Ministry of HRD,
Department of Culture,
Archeological Survey of India,
Janpath,
New Delhi.

...Respondents

Shri Harveer Singh, proxy counsel for Mrs. P.K. Gupta,
Counsel for the respondents.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

Applicant challenges his non-selection to the post of Photographer Grade-III for which the respondents called for names, sponsored by Employment Exchange and made the selection after practical trade test and interview. By an interim order of the Tribunal, the selection was made subject to the outcome of this application.

2. Applicant alleges that despite his fulfilling all the essential qualifications and performing very well

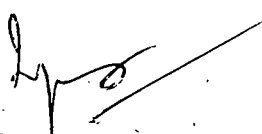
in test and interview, the respondents have selected another person, one Shri Sanjay Kumar Sharma. He has prayed that selection should be directed to be made strictly according to Recruitment Rules and that the selection of Sanjay Kumar Sharma should be quashed and direction to be issued to the respondents to select the applicant.

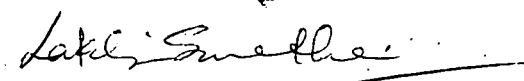
3. In the counter-reply, the respondents have averred that out of 18 candidates who appeared for practical test/interview, 4 candidates including the selected candidate possessed ITI Diploma in Photography from the recognised Government Institute. They also aver that the selected candidate has more than 5 years practical experience in the field of Photography, whereas the applicant has only 2 years experience. They also submit that the performance of the candidate in practical test/interview was far below and was sub-standard compared to the selected candidate. They have also expressed strong objection in the applicant's allegation of illegal demands of the employees of the respondent department in the selection process. They also assail the applicant's claim of very good performance in the test/interview and submit that the performance of the applicant and other candidates was adjudged by the Board Members of the Departmental Selection Committee and the candidates were given marks accordingly.

4. We have heard the counsel for the parties and perused the record.

5. Except for the bland allegation that the applicant was not selected because he could not meet the illegal demand of the staff of the respondents office, the applicant has not produced any material regarding the predjudice caused to him in the selection process. This allegation is also not supported by any judgment. Without any basis, he merely asserts that his performance had been the best of the lot and, therefore, he deserved to be selected. This sort of contention, without any material in support, need only to be mentioned and rejected. We also strongly deprecate the unfounded allegations made in the application and dismiss the same.

6. This application is totally misconceived and is based on surmises and unfounded assumptions and is accordingly dismissed, as being devoid of merit. No order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

Rakesh