

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2069/2000

New Delhi, this the 13th day of July, 2001

HON'BLE MR. M.P.SINGH, MEMBER (A)

1. Vinod Kumar
S/o Shri Shree Kishan,
R/o Vill. & PO Bharthal,
New Delhi
2. Kulvendra
S/o Shri Ram Kumar
R/o 37, Vill. & PO Barwala,
Delhi-39.
3. Vipin Sharma
S/o Sh. Sh. Tuki Ram Sharma
R/o B-I-522, Madan Gir,
New Delhi-62.

..... Applicants

(By Advocate: Shri V.K. Garg)

V E R S U S

Secretary
Department of Electronics
Electronics Niketan
6, CGO Complex, New Delhi

..... Respondent

(By Advocate: Shri R.V.Sinha)

O R D E R (oral)

The applicants, ⁱⁿ three number, have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking directions to the respondents to quash the selection proceedings held for the posts of Staff Car Driver and have also sought directions to the respondents to conduct selection afresh for regular appointments to the posts of Staff Car Driver.

2. Brief facts of the case are that the applicants have worked as Staff Car Driver on Daily-wage basis with the respondents for the following periods with artificial breaks of a day or two :-



(2)

Applicant No.1	31.3.1997	to	7.10.1997
Applicant No.2	31.3.1997	to	7.10.1997
Applicant No.3	31.3.1997	to	10.3.1998

Thereafter the services of the applicants were terminated by way of oral order. Aggrieved by this, they had filed OA Nos.2936/1997, 2937/1997 and 1813/1998 respectively. Out of these three OAs, OA No 2936/1997 and OA No.2937/1997 were dismissed by the Tribunal vide order dated 25.8.2000. However, in view of the statement made by the learned counsel for the respondents, the Tribunal gave the following directions:

"It is directed that in case the applicant applies for the aforesaid post of Staff Car Driver on regular basis, he should be considered by the respondents alongwith other eligible candidates, if any, on his merits in accordance with the relevant rules and instructions and giving due weightage to his past service under them and in preference to his juniors and outsiders".

3. The respondents advertised some posts in the cadre of Staff Car Driver and also sent letters to the applicants informing them of the vacancies and inviting them to apply for the same. Accordingly, the applicants applied for the posts and thereafter called for Driving Test at E&M Workshop, Safdarjang Airport, New Delhi. It is alleged by the applicants that the attitude of the officials, who were conducting the driving test, was hostile against the applicants and due to this fact alone, they were not selected for the posts of Staff Car Driver. Hence, they have filed this OA claiming the aforestated reliefs.



4. Respondents in their reply have stated that matter concerning the regular appointments in the cadre of Staff Car Driver is just, proper and in accordance with the rules and instructions. The applicants were given adequate and fair opportunity to compete with the others eligible candidates. However, having failed to pass through the driving test, they cannot claim and/or be allowed to allege the arbitrariness of the action of the respondents. According to the respondents, 41 candidates including the applicants herein were called for driving test conducted by E&M Workshop of National Airports Authority, Ministry of Civil Aviation, New Delhi on 11.9.2000. It is stated by the respondents that the driving test for recruitment in the cadre of Staff Car Driver in Government offices/departments is conducted by E&M Workshop of National Airports Authority as per Staff Car Rules. This body is independent and the respondents have no direct control over them. The driving test was conducted by the technical officials of the National Airports Authority to adjudge the skill of candidates in driving the Government vehicles. The question of showing nepotism and favourism as alleged by the applicants does not arise particularly when the respondents in no way involved in conducting the driving test in question.

5. During the course of the arguments, the learned counsel for the applicants submitted that the applicants had earlier worked with the respondents for a period about seven months to one year, therefore, the applicants could not have failed in the driving test.




(4)

The learned counsel for the applicants also submitted that the selection made by the E&M Workshop was not fair. He alleged malafide and bias against the respondents. He further submitted that it is because of the reason that the applicants have filed the applications in the Tribunal, the respondents became bias and did not select the applicants. Learned counsel for the respondents on the other hand denied the allegations and also submitted that the persons, against whom the malafide has been alleged, have not been impleaded in the OA as required under the rules.

6. After hearing both the learned counsel and perusing the records, I find that the applicants have the right for being considered and not for being selected. The applicants have been duly considered by the respondents for the posts of Staff Car Driver and, therefore, no prejudice has been caused to them. It is a well settled law that the Tribunals/Courts cannot substitute themselves for Selection Committee or give directions for appointment. As regards the allegation of malafide, the applicants have not impleaded the person, against whom the malafide has been alleged. Therefore, the contention of the applicants alleging malafide cannot be accepted.

7. In view of the aforestated facts and circumstances, the OA has no merit and accordingly dismissed. There shall be no order as to costs.


(M.P.SINGH)
MEMBER(A)

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