

Central Administrative Tribunal
Principal Bench

O.A. No. 2176 of 2000 With
MA 2589 & 1706/2000

New Delhi, dated this the 2nd May, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Mahendra Singh Baghel,
S/O Deewan Singh Baghel
35/135, Netaji Nagar,
Namner Agra, U.P.
2. Mukesh Kumar,
S/O Rajendra Singh,
Vill. Ram Nagar Post Akolo, Agra.
3. Satendra Singh,
S/O Pooran Singh,
Vill. Ram Nagar Post Akolo, Agra.
4. Prem Singh,
S/O Karan Singh,
Post & Vill. Viyara, Agra.
5. Chandra Prakash Singh,
S/O Ajmat Singh,
Post & Vill. Jaruakatra, Agra
6. Jai Pal Singh,
S/O Phool Singh,
Vill. -Ghri Kalia Post Beri Chahar Agra.
7. Pushpendra Singh,
S/O Hira Singh,
Vill. & Post Patloni, Mathura.
8. Netra Pal Singh,
S/O Bhagwan Singh,
Vill. & Post Kakua, Agra.
9. Jitendra Kumar,
S/O Dwarika Prashad,
Vill. Balara, Post Malpura, Agra.
10. Krishna Pal Singh
Vill. Balara, Post Malpura Agra.
11. Tej Pal Singh,
S/O Bhagwan Singh,
Vill. Balara, Post Malpura Agra.
12. Shri Niwaes Sagr
New Abadi Tundra Pura
Dewari Road, Agra.
13. Vijay Babu
S/O Om Prakash
64/17, Tal Firoz Khan, Agra.

.....Applicants

(By Advocate: Shri B.B. Raval)

VERSUS

(2)

1. Union of India Through
The Director General of Army Ordnance Corps,
Army Headquarters,
P.O. New Delhi-11.
2. Commandant,
Central Ordnance Depot,
Agra Respondents.
(By Advocate: Shri A.K.Bhardwaj)

ORDERS.R. ADIGE, VC (A)

In this OA filed on 30.10.2000 applicants impugn the exercise undertaken by respondents between 11th and 18th September, 2000 for recruitment of Mazdoors in Central Ordnance Depot, Agra, pursuant to the advertisement dated 22.1.2000 published in Employment News and dated 28th January to 3rd February, 2000 in "Rozgar Sangrah" Agra. They seek a direction to respondents to advertise the posts afresh with full details of the tests to be undertaken through a properly and duly constituted Selection Board.

2. We note that respondents have taken the initial objection that as the advertisement was issued by COD Commandant Agra and the selections were also held in Agra and the results were also declared at Agra, this OA is not maintainable at Principal Bench, New Delhi, but as P.T. has been allowed by Hon'ble Chairman's order dated 7.11.2000 which has been referred to in order dated 8.12.2000, this objection is rejected.

(3)

3. Pleadings reveal that Central Ordnance Depot, Agra widely advertised a large number of vacancies of Mazdoor including 26 vacancies of Mazdoor to be filled by ex-servicemen, 4 to be filled by handicapped persons and 96 vacancies to be filled by general and OBC categories. After filling up the 26 vacancies reserved for ex-servicemen, and 4 vacancies to be filled up by handicapped persons, respondents took up the recruitment process for the 96 vacancies to be filled by 39 persons belonging to general category and 57 persons belonging to OBC category between 11th and 18th September, 2000, for which applications had been invited by 15th February, 2000.

4. Over 40,000 candidates applied for these vacancies and various tests were devised to short list the candidates. A Board of Officers consisting of one presiding officer and four members was detailed for this recruitment and the Board included a Station HQ representative who belonged to SC community and the Deputy Labour Welfare Commissioner who belonged to ST community.

5. The selections were carried out in the open field in the presence of the Military Police, Civil Police and Guardians of candidates. A merit list of successful candidates to the extent of 150% of the total number of vacancies was prepared. Call letters were dispatched to the successful candidates and the result was displayed at the Main Gate of the depot.

(4)

6. It is not denied that applicants participated in the selection, but could not qualify leading them to file the present OA.

7. We have heard both sides.

8. The first ground taken is that the advertisements inviting applications for filling up the vacancies kept the candidates in the dark regarding the procedure, criteria and process to be adopted in the recruitment. Admittedly the posts of Mazdoor were to be filled by direct recruitment. In view of the very large number of applications received, relative to the available vacancies, the candidates were shortlisted, which respondents were perfectly entitled to do, as has been settled through a large number of Supreme Court rulings. Applicants can have no grievance on that score as they too were amongst the shortlisted candidates and were put through the selection process, which consisted of certain physical tests. If applicants did not succeed in the physical tests in comparison with others, they cannot categorise the entire selection process as being vitiated. The post of Mazdoors as the very name conveys, are those required to do manual labour, and under the circumstances, if respondents subjected the candidates to certain physical tests for making direct recruitment, it cannot be said that they acted allegedly or arbitrarily. Hence this ground fails.

2

(5)

9. The next ground taken is that the admit cards/call letters were also silent about the selection procedure. No rule and instruction have been pointed out to us requiring respondent to specify the method of recruitment in the admit cards/call letters. Applicants have also failed to establish that had the same been included in the admit cards/ call letters they would have been selected. As mentioned earlier, they were considered alongwith the other shortlisted candidates, but were not successful. Hence this ground also fails.

10. It has next been urged that the inclusion of the Deputy Labour Welfare Commissioner as the ST representative vitiated the selection. This conclusion is baseless. If, as contended by applicants he was required to supervise the procedural propriety of the recruitment, it is all the more good reason why he was associated with the recruitment.

11. During hearing applicants' counsel urged that the absence of any reservation for SC candidates vitiated the selection. Respondents' counsel on the record in their reply have stating that as persons belonging to SC category are already represented in full as per the prescribed percentage having regard to the post best roster, the recruitments in question were confined to OBC category and general category.

(6)

This specific assertion of respondents has not been successfully rebutted by applicants.

12. During arguments applicants' counsel also represent to the case of one Satendera Kumar S/o Shri Shiv Singh a candidate who was initially selected, but whose name was later on deleted on account of being underaged. He sought to emphasise this case as an instance of allegedly large scale bungling in the recruitment process. We note that Shri Satender Kumar had challenged his deletion in CAT, Allahabad Bench in OA No. 46/2001 which was dismissed by order dated 22.1.2001 (Annexure R-II). This decision in Satender Kumar's case (supra) does not advance applicant's own claims, for the reason that merely because his name was deleted after being initially selected, upon it coming to notice that he was underaged does not establish that the entire selection process was vitiated.

13. In the result, the OA (warrant) no interference. ^{and connected MA's,} ~~They are~~ dismissed. No costs.

K. Singh
(Kuldip Singh)

Member (J)

S. R. Adige
(S. R. Adige)
Vice Chairman (A)

/kd/