

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

Original Application No. 126 of 2018

This the 6th day of August, 2020

CORAM :

HON'BLE SHRI JAYESH V BHAIRAVIA, MEMBER (J)

HONBLE DR A K DUBEY, MEMBER(A)

Shri Rahul Satish Kumar Yadav,
Address:124, Ganiyar, Chandpura,
Mahendragarh, Haryana – 123021.

... Applicants

By Advocate Ms Nimisha Sharma/
Mr R H Modi

V/s

1 Union of India Through Secretary,
Ministry of Finance, C.B.D.T.,
Sachivala, New Delhi – 01.

2 The Principal Chief Commissioner of
(Cadre Controlling Authority),
Room No. 205,
Income Tax Department,
Second Floor,
Aaykar Bhawan,
Ashram Road,
Ahmedabad- 380 009.

... Respondents.

By Advocate Ms M M Bhatt

ORDER (ORAL)

Per Dr A K Dubey, Member(A)

1 The applicant has preferred this OA seeking setting aside of the process of selection adopted by the respondents to appoint him on the post of multi tasking staff (MTS), on the ground that the process of selection of the MTS adopted by respondents was wrong and illegal/unfair in so far as it appointed an unqualified person to the post.

2 The counsel for the applicant contended that the respondent had published an advertisement on 13.08.2016 for recruitment of meritorious

sports persons in the cadre of Income Tax Inspector (ITI), Tax Assistant (TA) and Multi Tasking Staff (MTS) in the Income Tax Department, Gujarat (Annexure A1). The said advertisement also mentioned in its para 6 that the contestants were required to select the event alongwith the position/role/type/event/team in their application form. The vacancies of different grades was mentioned in para 2 of the advertisement. The counsel for applicant averred that the applicant possessed necessary qualification and had applied for the 'Attacker' position in Volleyball sport. He said that the entire process of selection was arbitrary since he was deprived of the appointment due to wrong scrutiny of documents and also due to the fact that the candidates appointed as MTS had less marks in field trial and written tests. He also contended that the attackers' position was not notified for Inspector and Tax Assistant Cadre. The counsel submitted that the applicant had approached Hon'ble High Court vide SCA No.21910/2017 but withdrew it with permission to approach Central Administrative Tribunal.

3 The Respondent's counsel averred that the selection was fair and firm and in accordance with extant instructions. She submitted that in its reply, the respondent had clearly mentioned that the process did not suffer from infirmity or vitiation since the entire process of selection was carried out as per the details in the advertisement for the posts as well as the department's decision in this regard.

4 Heard the counsel for the applicant and the respondent. The applicant has received some information under RTI Act which have been submitted in course of pleadings (Annexure A/6 & A/8). Counsel for the

respondent submitted the minutes of the meeting of the committee constituted for the purpose of recruitment of sports persons (Annexure R1). Main argument of the applicant has been that the attackers post was not reserved purely for Inspector or Tax Assistant post and he also contends that his application was subjected to wrong scrutiny of documents. The counsel for respondent referred to para 2 and 6 of the advertisement and submitted that the entire selection process was completed in accordance with the procedure laid down and the instructions in this regard. Quoting the said advertisement she also maintained that the criteria of selection to the post of Income Tax Inspector, Tax Assistant and Multi Tasking Staff were not identical. As per the extant decision of the Respondent department, the merit list for the MTS was prepared on the basis of marks as well as position suitability in the sport event. The counsel for respondent referred to the department's decision that for Multi Tasking Staff, vacancy after considering selection of Income Tax Inspector and Tax Assistant was to be considered.

5 Heard both the counsel and perused the documents and records placed before us, including the replies under RTI Act. We find that the applicant has not been able to establish that the process of selection was infirm or suffered from discrimination or illegality or was violative of the disclosures in the advertisement. Respondents have been able to establish that it had clear criteria for the selection which was duly mandated and the same was carried out without any vitiation or infirmity.

6 Accordingly, in view of the aforementioned facts and discussions and after carefully perusing the documents/records before us, we do not find any reason to intervene into the matter. The OA is therefore dismissed. No costs.

(Dr A K Dubey)
Member(A)

(Jayesh V Bhairavia)
Member(J)

abp