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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 759
~~Ex.No.~~

1987

DATE OF DECISION 19.11.87

Sh. Kewal Krishan Duggal & Others Petitioners

Shri R. K. Kamal Advocate for the Petitioner(s)

Versus

Union of India and others Respondent


Shri P. P. Khurana Advocate for the Respondent(s)


CORAM :

The Hon'ble Mr. Justice G. Ramanujam, Vice Chairman

The Hon'ble Mr. S. P. Mukerji, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?


(S. P. Mukerji)


(G. Ramanujam)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI.

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Regn.No.OA-759/87

Date. 19.11.1987

Shri Kewal Krishan Duggal & Ors.

.... Applicants.

Vs.

Union of India & Ors.

.... Respondents.

For Applicants.

.... Shri R.K.Kamal,
Advocate.

For Respondents.

.... Shri P.P.Khurana,
Advocate.

CORAM: Hon'ble Mr. Justice G.Ramanujam, Vice Chairman.
Hon'ble Shri S.P. Mukerji, Administrative Member.

JUDGEMENT

(Delivered by Shri S.P. Mukerji)

The applicants were working as Refrigeration Mechanic in high skilled Grade II scale of Rs.330-480 under the Garrison Engineer, Delhi Cantt. They have in this application under Section 19 of the Administrative Tribunals Act challenged the process of selection by the Departmental Promotion Committee (DPS) made for promotion to the next higher scale of Rs.380-560 conducted on 17th and 18th of March, 1987. The appellants main argument is that the DPC instead of conducting the trade-test as prescribed disposed of 41 candidates by summary interview on the 17th of March, 1987 devoting hardly four to five minutes per candidates. According to them no written test, practical test or technical test was conducted and the members of the DPC themselves were not technically proficient in refrigeration engineering. According to them the selection process was a false and fraud and while less qualified junior persons have been selected. The applicants were superior in general and technical education and qualifications have been rejected.

2. The respondents have opposed the application to say that the test was held on two days devoting an average of

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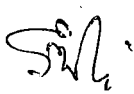
more than 30 minutes for interview, practical test and technical test. Only those who had the basic or technical qualification were allowed to take the test. They have also argued that the selection ^{was} made by properly constituted Selection Board cannot be challenged in a Court.


3. We have heard the arguments of the learned Counsel for both the parties and gone through the documents carefully. It was admitted by the learned Counsel for the respondents that no written test as such was held but the viva-voce test was held in the workshop. We have also seen the proceedings of the Selection Board in which out of 50 marks in total, 30 marks ^{were allotted to} for theory and 20 marks for practical test and all those who got less than 25 marks ^{with} failed. The Selection Board consisted of three very senior Engineers and we are not able to convince ourselves ^{that} all of them should be so prejudiced against ^{the} applicants ^{or} ^{so} much wedded to give promotion to some of their favourites as to make a mockery of the selection procedure. The arguments of the learned Counsel for the applicants that very short notice was given for the trade-test cannot be held to be discriminatory as the shortness of the notice affected all the candidates equally. The other argument that the Selection Board had little knowledge about the refrigeration engineering also is also not very convincing as one of the members was in charge of the air conditioning work.

4. The learned Counsel for the applicants vehemently argued that all the 41 candidates were examined on the same date and each one of them could hardly ^{be} given 5 to 6 minutes for the trade-test. Since the trade-test had been ^{or} admittedly held in a workshop the oral test and practical test can be presumed to have been combined and the assessment of the candidates by the Selection Board cannot be set aside merely on the ground of the short duration of the trade

test. From the proceedings of the Selection Board which we examined, it was revealed that during the two days i.e. 17th and 18th of March, 1987, 42 refrigeration mechanics and seven electricians were tested. Presuming that on each day 6 hours were devoted to testing. On an average individual candidate ^{could be} ~~was~~ given ^{of} 14 minutes ^{to} time for the trade-test. This cannot be said to be so short a period as ^{to} ~~the~~ question ^{of} ~~of~~ credibility of the entire selection process. The arguments of the learned Counsel for the applicants that absence of any written test should invalidate the selection process cannot be accepted. No statutory rules or instructions have been placed before us which prescribe holding of written test for the promotions in question. The absence of written test 'per se' cannot be held to be violative of the objectivity of the selection process.

5. In the circumstances, we see no reason to intervene in the selections made and reject the application. There will be no order as to costs.


(S.P. Mukerji)
Administrative Member


(G. Ramanujam)
Vice Chairman