

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 100/91
T.A. No.

199

DATE OF DECISION 24-7-91

<u>Sh. Inder Prasad & others</u>	<u>Petitioner</u>	Applicants
<u>Shri D.P. Sood,</u>	Advocate for the Petitioner(s)	
Versus		Applicant
<u>U.O.I & ors.</u>	Respondents	
<u>Shri K.C. Mittal,</u>	Advocate for the Respondent(s)	

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. B.N. DHOUNDIYAL, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ? yes

JUDGEMENT

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER)

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 by Sarvashri Inder Prasad, Narinder Dev and Anand Saroop, serving as Copy Holders in Government Press Mayapuri, praying that the impugned Office Order No. 43013/7/RRP/90-Estt./1169 dated 7.1.1991 making unlawful promotions and depriving the applicants their prescribed rights, be quashed. It is felt that the application can be disposed off at the admission stage itself and we hereby proceed to do so.

2. According to G.S.R. No. 218 dated 14.2.85, promotions to the post of Readers (Rs. 1200-2040) are made from amongst the Revisers (Rs. 1200-1800) with three years and Copy Holders (Rs. 950-1500) with

five years regular service in the grades; 55% vacancies being filled on the basis of seniority subject to qualifying the Readership Examination and 45% vacancies being filled up on the basis of merit in the Readership Examination.

Setting of examination papers, arrangement of evaluation and publishing List I containing the names of qualified

candidates and List II containing the names of the failed candidates was to be done centrally. The actual filling was to be done ~~by~~ of vacancies by the individual presses from List I. Applicant

No.1 who stands at serial No.3 of the seniority list feels aggrieved that he has been overlooked for promotion even though he has put in 20 years of regular service in the post and had qualified in the examination held in 1980. Applicant No.2 is successfully ~~course~~ a Graduate having undergone three years' Diploma/in proof

reading and having put in 11 years' regular service as Copy Holder, ~~also~~ has been overlooked for promotion. Similar has been the fate of Applicant No.3 working as Copy Holder since 7.10.80.

There is no provision of awarding merit marks in the Rules and yet 100 marks have been provided for evaluation of C.Rs.

Those declared unsuccessful or included in the List II have not been given any merit marks. Applicant No.1 has not been given the benefit due to ~~the~~ reserved category. Applicant No.2 has secured high marks but is still declared unsuccessful.

The respondents have contended that those failing to pass the Readership Examination can still hope to be promoted as Revisers (Rs.1200-1800) ~~where~~ subject to availability of suitable candidates, 100% of the posts are to be filled by promotion of Copy Holders. Under the Rules of examination for the post of Reader framed in 1985, the Board of Examination has the discretion to fix qualifying marks in the two written papers or the total after adding marks based on evaluation of service record. For 1990 examination, 33% minimum marks

were fixed for general candidates and 28% for SC/ST candidates in each of the papers. The applicants secured the following marks:-

#	S/Shri	English	Hindi
1.	Inder Prasad	20	41
2.	Narinder Dev	26	78
3.	Anand Swaroop	05	44 *

The applicants had not qualified, even with the relaxed standard (for SC/ST) of 28%. The question of adding marks out of 100 necessary for evaluation of service records arises only in the case of qualified candidates, that too for considering appointment against 45% merit vacancies. Results of 1980 examination are not relevant at this stage.

4. We have gone through the facts of the case and heard the arguments put forth by the learned counsel of both parties. Normally courts would not interfere with the selection process unless it is proved that it is vitiated due to violation of rules and is malafide. It is crucial from this point of view to examine whether the authorities have acted within the powers vested in them and applied the prescribed standards in an open and fair manner. The revised Government of India Presses (Non gazetted and Non Ministerial posts) Recruitment Rules notified on the 14th February, 1985, provide for 55% vacancies being filled up on the basis of seniority subject to qualifying a trade test called Readership Examination and 45% on the basis of merit through Readership Examination to be conducted by the Directorate of Printing. The revised rules for Readership Examination (Appendix) notified on 4.11.85 provide that:-

" The Board of Examination has discretion to fix qualifying marks in either or both the papers of the examination as also the overall qualifying marks after addition of marks as a result of evaluation of record of service. Such qualifying marks may vary from Press to Press."

5. The method by which List I of qualified candidates and List II of failed candidates were prepared was explained in detail in the Office Memorandum No.4/6/93-1.IV dated 20.12.93 which clarifies

that marks by evaluation of service records are to be added only for merit quota of 45%.

6. It is clear that the criteria for the examination were made and different lists were prepared in accordance with the rules in an open and fair manner. The applicants failed to secure qualifying marks (28% in case of reserve list and 33% in case of general) in English and were not, therefore, considered. The application is, therefore dismissed and the stay order passed on 15.1.91 is hereby ~~extended~~ ^{vacated by} ~~extended~~. Under the circumstances of the case, there shall be no order as to costs.

B.N. Shyam
(B.N.DHUNDIY (L)
MEMBER(A) 24/2/91

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(P.K.KAVITHA) L.L.B.
VICE CHAIRMAN (J)