

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.
NEW DELHI.

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O.A.No.2008 of 1993

New Delhi, this the 3rd day of February, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman.

Hon'ble Mr B.N.Dhoundiyal, Member(A).

Anand Rai
S/O Shri Kali Charan,
Lal Bahadur Shastri National
Academy of Administration,
Mussoorie -248 179 Applicant.

(through Mr V.S.R.Krishna, Advocate)

vs.

Union of India
through

1. The Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi.
2. The Director,
Lal Bahadur Shastri National
Academy of Administration,
Mussoorie, District Dehradun(UP) ... Respondents

(through Mr P.H.Ramchandani, Advocate).

ORDER(oral)

PER S.K.DHAON, VICE CHAIRMAN

The controversy in this case centres round the appointment of the Staff Car Driver in the Lal Bahadur Shastri National Academy of Administration, Mussoorie.

2. The petitioner has, in substance, claimed the relief that the respondents may be directed to issue to him an order of appointment to the effect that he is appointed as a regular staff Car Driver in pursuance of the recommendations of the selection committee dated 19.2.1991 and 25.9.1992.

3. A counter affidavit has been filed. Despite time being granted for filing a rejoinder-affidavit and despite a stop order having been passed in that connection, no rejoinder affidavit

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has been filed. We are not inclined to grant any further time for filing the rejoinder. Though this O.A. has not been formerly admitted as yet, counsel for the parties have been heard with a view to dispose it of finally. Accordingly, we are doing so.

4. It appears that on 19.2.1991, a selection committee met to consider candidates for appointment of Drivers. It also appears that two posts of drivers were to be filled up. Yet another driver was required for the vehicle of the District Planning Unit on daily wage basis. The committee recommended three candidates in order of merit. The petitioner was placed at the 3rd position. We are informed that after 19.2.1991, the petitioner was employed on daily wages.

5. On 25.9.1992, the selection committee was again convened to select Scheduled Caste candidates for appointment of the Staff Car Drivers. According to the petitioner, he appeared in the practical test and obtained the highest position therein. The respondents have not denied this averment. However, they have asserted that apart from the practical test, an interview was also held and, in the interview, the petitioner failed to impress the members of the Committee and, therefore, he was placed at Sr.No.2 amongst the recommendees of the committee. The other candidate, who was placed at Sr.No.1 was also a Scheduled Caste candidate and was accordingly given an appointment. This action of the respondents is corroborated by the proceedings of the Committee, a true copy whereof has been annexed as Annexure-C. The Committee recorded that it found only two candidates eligible to be included in the panel after considering their qualifications, performance in the

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practical tests, overall performance and case records. It accordingly recommended Shri Laxman and the petitioner.

6. To begin with, the learned counsel vehemently urged that no interview took place in connection with the second selection, however, he had to give up this plea when he was confronted with the averments made in the reply, wherein it is clearly recited that the candidates were interviewed. He turned around and raised objection to the records being examined by the committee. He has urged that the Committee took into account a wholly irrelevant and extraneous material, namely, the case records while evaluating the merits of the candidates before it. We are not impressed with this submission. It appears to be an admitted position that the petitioner was employed with the respondents as a daily wager. It is set out in the counter-affidavit that during the course of employment, he was served with warnings and yet he did not improve. The committee could not ignore this factor altogether while considering the case of the petitioner. So far as Shri Laxman is concerned, if he was employed elsewhere, his conduct during the course of the employment elsewhere was bound to be seen. We are not sitting as the Court of appeal over the decision of the selection committee. We are only required to see whether the committee acted justly and fairly in the matter. All told, we are satisfied that the selection was a fair one.

7. There is no merit in this application and is accordingly dismissed but with no order as to costs.

B.N. Dhondiyal
(B.N.Dhondiyal)
Member(A)

S.K. Dhaon
(S.K.Dhaon)
Vice Chairman