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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 14th day of November 2006

Original Application No. 680 of 2005

Hon'ble Mr. K. Elango, Member (J)  
Hon'ble Mr. P.K. Chatterji, Member (A)

Rajan Singh, S/o Hajari Lal,  
R/o 65/78, Nagla Kheria Kamal Khan Tatpur Road, Post  
Dhandauli, Distt: Agra UP.

. . . .Applicant

By Adv: Sri O.P. Gupta

V E R S U S

1. The Union of India through Secretary,  
Ministry of Defence, Govt. of India,  
NEW DELHI.
2. Air Officer Commanding, Air Force Station,  
AGRA.
3. Sanjay Majumdar [Selected candidate] through  
Air Officer Commanding, Air Force Station,  
AGRA.

. . . .Respondents

By Adv: Sri S. Singh

O R D E R

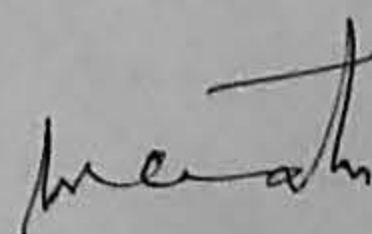
By Hon'ble Mr. P.K. Chatterji, Member (A)

The applicant has applied for the post of lascar in the pay scale of Rs. 2550-3200 for which an advertisement was issued by the respondents in newspaper. The respondents issued an advertisement of three posts for lascar out of which one was reserved for SC, one for ST and third one for other community. The applicant had appeared for the test and according to him on 30.03.2005 a select list was declared in which the applicant's name appeared.

*M. Chatterji*

However suddenly, thereafter, the select list was changed by the Chairman of the Board and another select list was prepared and published on 18.04.2005. In that second list the name of the applicant was replaced by another person namely Sri Sanjay Majumdar. The applicant made a representation on 24.04.2005 before respondent No. 2 giving full facts of the case. However, it was not considered by the respondents and, thereafter, being aggrieved he filed this OA, in which the applicant has sought the direction of the Tribunal to treat the applicant as selected as in the select list declared on 30.03.2005.

2. In reply the respondents have categorically denied that any list was declared on 30.03.2005. They have confirmed that according to advertisement, which was published, selection was made for appointment of three lascars (1 for SC, 1 for ST and 1 for other community). They have further clarified that according to the test of the candidates belonged to SC community one Sri Sanjay Majumdar had secured the highest marks of 91, while the applicant had secured 90 marks. As there was only one post earmarked for SC there was no scope for the respondents to accommodate the applicant who was in the second place. In submitting this actual position the respondents' counsel have strongly denied the allegation of the applicant that it was illegal, arbitrary and malicious.

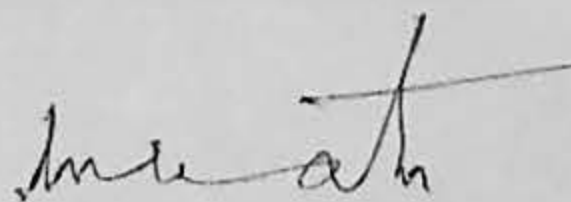




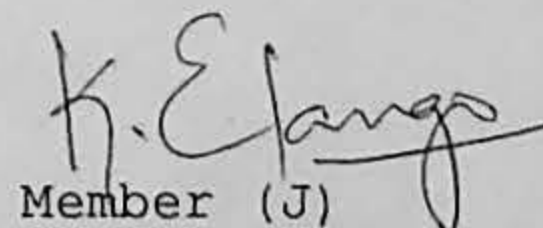
(13)

3. While hearing the case earlier the Tribunal had directed that the records pertaining to the selection to the post of lascar be made available by the respondents for perusal by the Tribunal. Accordingly, the relevant records were produced by the respondents and after perusing the records we have satisfied that Sri Sanjay Majumdar had secured 91 marks as against 90 marks obtained by the applicant. We have also <sup>satisfied</sup> ~~approved~~ that Sri Sanjay Majumdar belong to SC community and, therefore, deserves the only place earmark for SC community.

4. For the above mentioned reasons it is found that the OA lacks merit and cannot be allowed. Therefore, it is dismissed with no order as to costs.



Member (A)



Member (J)

/pc/