

COURT NO. 2

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

REGISTRATION T.A. NO. 1059/1986

(O.S. No. 960/1984)

B.C. Joshi

... ... Petitioner

Versus

Union of India & Others

... ... Respondents

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. D.K. Agrawal, J.M.)

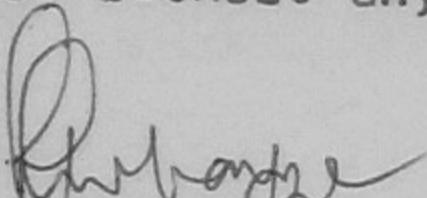
Civil Suit No. 960/1984 instituted in the
Court Munsif, Kanpur -- transferred, / Tribunal under
Section 29 of Administrative Tribunals Act 1985 was
registered as T.A. No. 1059/1986 as indicated above.

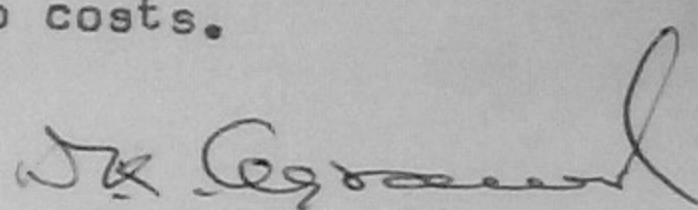
2. The prayer in the suit is that the selection
of defendant no. 4 i.e. Banwari Lal be set aside and
the plaintiff be declared to be selected on the post of
Civilian Motor Driver. The contention of the Plaintiff/
Applicant is that in the Trade Test held in February 1984
by C.O.D., Kanpur, the plaintiff was placed at serial
no. 1 in the panel and therefore, he was entitled to be
appointed in preference to Banwari, defendant no. 4.
On the other hand the opp. party disputed the said
contention of the plaintiff and alleged that Banwari Lal
secured highest marks in the selection and consequently
he was placed at serial no. 1 in order of merit in the
panel. To prove their contention the opp. party have filed

D.K. Agrawal

the original result sheet. We have perused the same. The Result Sheet indicates that Banwari Lal secured highest marks. We have satisfied ourselves that B.C.Joshi, plaintiff did not secure the highest marks

3. Sri Banwari Lal, defendant no. 4 has secured 70 marks out of 100 while Sri B.C.Joshi, plaintiff has secured 55 marks. Therefore, the appointment of Banwari Lal, in our opinion, cannot be set aside. To our mind no grounds exist to hold that the plaintiff should be appointed to the post of Civilian Motor Driver in preference to Sri Banwari Lal, consequently this suit is liable to be dismissed. The suit is dismissed without any order as to costs.


MEMBER(A)


MEMBER(J) 9-9-91

DATED: 9.9.1991

Allahabad.

(ss)

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