

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 22nd Day of May, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 457 of 1992.

K.P. Pandey aged about 31 years,
son of Sri S.N. Pandey,
Watchman,
12-A.F.H./118,
Air Force Hospital,
Gorakhpur.

. . . Applicant.

Counsel for the Applicant: Sri Bashisht Tiwari, Adv.

Versus

1. Union of India through the Secretary, Ministry of Defence at New Delhi.
2. Chief Administrative Officer, Gorakhpur, Group Captain 17- Wing Air Force Station, Gorakhpur.
3. Air Force Officer Commanding 17- Wing, Air Force Gorakhpur.
4. Sri Puskar Kumar Srivastava, son of Sri R.S. Lal Srivastava, U.D.C. 17- Wing, Air Force, Gorakhpur.

. . . Respondents.

Counsel for the Respondents Singh C.S. Singh, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

 This application has been filed for setting

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aside the selection of respondent No.4 as Assistant Store Keeper in Air Force Hospital, Gorakhpur. The applicant has also sought his appointment to the post of Store Keeper for which interview had taken place on 17.2.92.

2. The applicant has stated that post of Assistant Store Keeper was advertised departmentally and names were sponsored by Employment Exchange. The persons serving in the department could appear in the said selection without being sponsored by the Employment Exchange. The applicant along with one Sri Shiv Kumar Sharma and Sri Puskar Kumar Srivastava appeared among others and the three were successful in the written examination. It is contended that Sri Puskar Kumar Srivastava, whose father was U.D.C. in 17 Wing Air Force, was interviewed without calling any other person. The applicant gave an application to superior authorities due to which it is claimed that a registered letter was issued on 27.1.92 for interview on 29.1.92. Since the applicant did not receive the call letter before 29.1.92, he gave an application to the respondents on the post of which further call for viva-voce test on 17.2.92 was issued. In the interview it is claimed that Sri Puskar Kumar Srivastava succeeded due to wrong full pressure and influence.

3. The argument Sri Bashist Tiwari for the applicant Sri C.S. Singh for the respondents have been heard. The pleadings on record have been taken into consideration.

4. The learned counsel for the applicant has contended that undue favour was shown to the respondent No.4 by interviewing him alone after the written examination, by issuing a register letter on 27.1.92 for interview on 29.1.92 and by giving appointment to the applicant without Police Verification, which was got done by the respondent subsequently. It is also contended that 40% marks were allotted for viva-voce which was violative of the law laid down by the Apex Court. It is also contended that the selection committee was not constituted properly and consisted of persons from Scheduled Caste Community or Minority Community without having any person from General Community.

5. We have seen copy of papers relating to selection available with the learned counsel for the respondent and find that the selection committee had considered the candidature of 20 sponsored candidates in the first instance

6. The selection committee consisted of Squadron Leader Sri L. Srivastava and Flying Officer R. Ranjan. The selection held on 16/18.1.1992 was however, cancelled as mentioned in paragraph 16 and 18 of counter reply. It appears that all the candidates barring five who were absent had appeared in the written examination on 16.1.92 and interview on 18.1.92. Thereafter the second selection was held on 17.2.92 and the result sheet of this selection presided over by the Squadron leader A. Das has been placed at Appendix A. There is nothing in Appendix-A to show that the marks in interview affected the outcome of the result of the selected candidates in

a decisive manner. As a matter of fact two candidates and the second candidate were given equal marks including the applicant/was placed at no.2 of standby list.

7. We have also seen the police verification of the selected candidates and we find that a letter was written to S.S.P. Gorakhpur on 3.3.1992. The report was sent on 4.3.92 and the appointment letter was issued on 6.3.92. Hence, the contention of the applicant that respondent No.4 was given an appointment letter before police verification is not correct.

8. In the aforesaid circumstances, we do not find any merit in the claim of the applicant which is dismissed. The O.A. is dismissed. No order as to costs.

Rafiqul Mulk
Member (J.)

Asr
Member (A.)

Raza.