

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 19th day of April 2002

Original Application no. 673 of 1994.

Hon'ble Mr. Justice RRK Trivedi, VC
Hon'ble Maj Gen K.K. Srivastava, AM

1. Navin Kumar Sinha, S/o Sri Y.C. Sinha,
R/o 117/507, Pandu Nagar,
Kanpur.
2. Awashni Kumar Bhatiya,
S/o Sri J.L. Bhatiya,
R/o 11/348, Gwal Toli,
Kanpur Nagar.
3. Atul Kumar Bhatiya, S/o Sri S.K. Bhatiya,
R/o 120/85, Lajpat Nagar, Kanpur Nagar.

... Applicants

By Adv : Sri A.V. Srivastava & Sri D.P. Singh

Versus

1. The Union of India, through Secretary,
Department of Central Excise,
2. The Collector, Central Excise,
Kanpur Nagar.
3. The Deputy Collector, P and V,
Central Excise, Kanpur Nagar.

... Respondents

By Adv : Km. Sathana Srivastava

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O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA filed under section 19 of the A.T. Act, 1985, the applicants have challenged the selection of Date Entry Operator in Central Excise Department, Kanpur. The speed test^{for a} which was held on 10.1.1994 and 14.1.1994 and the interview was held on 6.4.1994. The selection is governed by electronic Data Processing Discipline (Group 'C' Technical Post), Recruitment Rules 1992. The aforesaid rules have^{been} framed by President of India under the provision^{to} of Article 309 of the Constitution of India. In the schedule appended to these rules, educational and other required qualifications for direct recruitments^{are}:-

- a. 12th Standard pass or equivalent.
- b. should possess a speed of not less than 8000 Key Depressions per hour for date entry work.

2. In the present case the names were called from Employment Exchange. The applicants appeared in the written test held on 10.1.1994 and 14.1.1994. Thereafter, they were called for interview, which was held on 6.4.1994. However, the applicants were not selected.

3. Sri A.V. Srivastava, learned counsel for the applicant has challenged the selection on the ground that the rules do not provide for interview, hence the action of the respondents, calling the candidates for interview is liable to be quashed. We are not impressed by this submission of learned counsel for the applicant. ~~The respondents~~

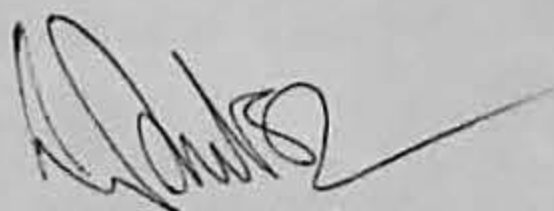
4. The respondents have filed counter affidavit^{stating} that the result of the speed test was given to the department


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National Informatics Centre (NIC) on which basis 69 persons had passed the speed test. Hence, maintaining the ratio of 1:3, 69 persons were called. After interview 18 candidates were selected for appointment. If the large number of candidates were available who possessed the required speed ~~test~~^{and} and the academic qualification, the ~~had~~^{respondents} respondents had no option but to ~~sort out the list of~~^{shortlist the} candidates by holding interview and selecting persons on the basis of same. It is true that rule do not provide for interview, but ^{as stated above} in these circumstances, in our opinion the selection does not suffer from any error of law.

4. The applicants are also not entitled for the relief on the ground that they have questioned the entire selection, but none of the successful candidates have impleaded in this OA. The applicants have made allegation of the malafide and have alleged that near relations have been employed. Six names have also been mentioned in the OA but they have not been arrayed as respondents in this OA. In these circumstances the applicants are not entitled for the relief as held by Hon'ble Supreme Court in Bhagwanti & Ors Vs. Subordinate Services Selection Board Haryana & Ors. 1995 SCC (L&S) 1013.

5. For the reasons stated above the OA has no merit and accordingly dismissed with no order as to costs.


Member (A)


Vice-Chairman

/pc/