

5

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

DT. 08.2000

The learned applicant
counsel prays for time
to file rejoinder. Sufficient
time was given earlier.
Last chance is over.
Prayer rejected.
Put up before Bench for
further orders.

REGISTRAR

For further orders
of Court.

10/11/20

Counter of
Served.
Bench
Patra
21/11

Rejoinder not filed

12/12
Bench
Rejoinder

Rejoinder not filed

12/11/01
Bench

Rejoinder not filed

12/11/01
Bench

Order dated 17.11.2003

The applicant, in this O.A. is a candidate,
who had applied for the post of Group D staff in the
Respondents-Department. He wrote the entrance
examination and after qualifying in the said
examination, he was called for the viva voce. It is
stated that he was successful in the viva voce test
also. Thereafter the applicant was called along with
others for a physical test. It is the case of the
applicant that he was asked to cover a distance of
50 ^{mtrs} ~~mets~~. carrying 50 kgs. of sand-bag in 30 seconds
and in the same manner carrying 50 kgs. of iron
though he could successfully cover the distance,
he could not cover the distance carrying the sand
bag as it was found to be wet due to rains on that
day. Therefore, it is his case that he should be
given another chance for the physical test before
the results are announced.

The Respondents have filed a detailed reply.
It is admitted that the applicant was one of the
candidates, who appeared for selection for Group-D
post. Admittedly the applicant qualified in the
written examination and viva voce and therefore,
he was called for physical test. The contention
of the applicant that the sand bag was wet and
therefore, he was unable to cover the distance
within the prescribed time has been rebutted vide
Para-6 of the reply. It is stated specifically
that two sheds were structured in both ends of
the field to keep the sand bags in safe condition
during the ^{rain} ~~run~~ and also to prevent those from getting
wet. According to Respondents, it is a clear and
simple case of the applicant ~~that~~ not being able to

6 OA 542195

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

successfully complete physical test.

The learned counsel for the applicant submitted that the applicant's case deserves to be re-examined and he be called for a fresh test.

Though the Respondents replied in February, 2000, as of now, no rejoinder has been filed. Therefore, it stands to reason to come to a conclusion that the averments in the counter filed by the Respondents truly reflect the grounds realities. Viewed in this situation, the statement made by the applicant that due to incessant rain, sand bags were wet and therefore, he could not cover the distance and ~~therefore~~ became unsuccessful in the physical test does not seem to be true reflection of fact. This has clearly been rebutted in the reply filed by the Respondents and this is the only ground on which the applicant seems reconsideration of his case for selection. In view of the fact that this has been successfully rebutted, we do not think that the applicant has made out a case in his favour. Accordingly, this O.A. is found to be devoid of merit and the same is dismissed, leaving the parties to bear their own costs.

Sy Ananthan 17.11.03.
MEMBER (ADMINISTRATIVE)

R. R. R. 17.11.03.
MEMBER (JUDICIAL)

(Copy of order
dt. 12.11.03 may be
sent to the
Counsel for holder)

12/11/03
S. G. J.

1
20.11.03