

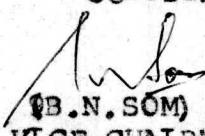
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

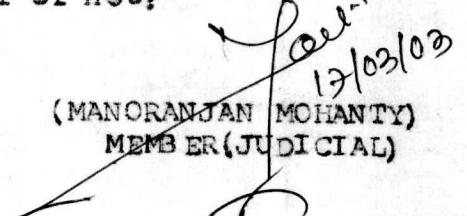
ORIGINAL APPLICATION NO. 489 OF 2000.
Cuttack, this the 17th day of March, 2003.

Ajaya Kishore Bage, Applicant.
: Versus :
Union of India & Ors. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


B.N. SOM
VICE-CHAIRMAN


17/03/03
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 489 of 2000
Cuttack, this the _____ day of March, 2003.

C O R A M:-

THE HONOURABLE MR. B.N. SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. M. R. MOHANTY, MEMBER(JUDL.)

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Ajaya Kishore Bage,
Aged about 32 years,
S/o. Sri Maheswar Bage,
Resident of Jagannathpali,
Sector-16, PO:Rourkela-3,
PS:Sector-15, Dist.Sundergarh. Applicant.

By legal practitioner: M/s. S.P. Mishra,
S.K. Mishra,
S. Dash,
Advocates.

:Versus:

1. Government of India, Department of Telecom Services, represented through Chief General Manager, Telecom, Orissa Telecom Circle, Bhubaneswar, District: Khurda.
2. Telecom District Manager, Rourkela, At/PO: Rourkela, District: Sundergarh.
3. Satyananda Barik, S/o. Panchanan Barik, At: Jagannathpali, Sector-16, PO: Rourkela-03, PS: Sector-15, District: Sundergarh.

.... Respondents.

By legal practitioner: Mr. B. Dash,
Additional Standing Counsel(Central)
(For Respondents 1 & 2)

M/s. G.N. Mehatra,
B.N. Mehatra,
A.K. Mehatra,
L.N. Patel,
S.K. Nanda,
Advocates
(For Respondent No. 3).

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ORDER

MR. MANORANJAN MCHANTY, MEMBER(JUDICIAL) :-

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In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the Applicant (Ajaya Kishore Bage) has challenged the selection and appointment of Respondent No. 3 (Satyananda Barik) as the Meter Driver in the Telecom Department.

2. The short facts of the case are that names having been called for (by the Department) from the Employment Exchange, four names were received and all of them (including the Applicant and Respondent No. 3) were asked (in letter dt. 12-07-2002) to attend a selection on 03-07-2000 in the Office of T.D.M. (Rourkela) where they were asked to produce all documents. Out of the four, three candidates appeared in the interview/test before a selection committee duly constituted by the Respondents. The selection consisting of (i) a written test (having basic knowledge of Arithmatics and English), (ii) a practical (driving) test; and (iii) viva-voce. After assessing the respective merit of the candidates, the Committee recommended the following names of the selected candidates in the following order:-

- a) Satyananda Barik (Respondent No. 3);
- b) Ajay Kumar Bage (Applicant)
- c) Mehar Kumar Jena.

Accordingly, Respondent No.3 was issued with the order of appointment on 31-02-2000. Being aggrieved (on such selection and appointment of Respondent No.3), the Applicant has filed this Original Application and the main thrust of the challenge of the selection and appointment (of Respondent No.3) is that the Respondent No.3 did not have the pre-requisite qualifications (of having four years of driving experience of light and heavy motor vehicles; of which there should be one year of experience of heavy motor vehicle) and the second allegation (of the Applicant) is that, since the father of the Respondent No.3 is working in the Department, Respondent No.3 was shown favour. The Department/Respondents 1 to 2 have filed their counter and a separate counter has also been filed by the Respondent No.3, wherein they have strongly refuted the allegations made by the Applicant.

3. We have heard Mr. S. P. Mishra, learned Counsel appearing for the Applicant, Mr. B. Dash, Learned Additional Standing Counsel, appearing for the Respondents 1 and 2 and Mr. G. N. Mehatra, learned Counsel appearing for the Respondent No.3. We have also perused the records.

4. It has been submitted by the Respondents 1 and 2 in their counter (at paragraph 4.4) that Respondent No.3 has got the minimum required number of years of experience for the purpose of appointment as a driver in terms of the notification and that he has got more than four years of experience of driving light and heavy vehicles and more than one year of experience in driving heavy motor vehicles as per the documents submitted by him under Annexures-A/1 and R/2.

It has further been pointed out that since the Selection Committee found Respondent No.3 to be more meritorious in all respect and he having secured highest mark in all tests, he was selected and appointed. It was also stated, in course of the hearing that engagement of the father of the Applicant in the same organisation is not enough to discard him in the selection or not to give him appointment; when he was found to be best among the candidates; especially when his father had no role to play with regard to the interview/test which was conducted by a constituted Selection Committee.

5. Law is well settled in very many cases of different Courts in the country that in a matter of selection, the Selection Committee is the best judge to decide and recommend, basing on the materials placed on records, as to who should be best among the candidates and that, unless any mala fide or infraction of rules/instructions is shown, no court or Tribunal should interfere in the matter of the recommendation of the Selection Committee. Here, in the instant case, nothing has been mentioned challenging the constitution of the selection Committee/or any ill motive of the members of the Selection Committee in recommending the case of the Res.No.3 for being appointed. No material has also been placed on record showing the involvement of the father of Respondent No.3 in the selection process. Therefore, we find no merit in this Original Application; which is accordingly dismissed by leaving the parties to bear their own costs.

Wilson
(B.N. SOM)
VICE-CHAIRMAN

KNM/CM.

Manoranjan Mohanty
17.03.2003
(MANORANJAN MOHANTY)
MEMBER(JUDICIAL)