

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.1167/1996

Date of order : 20.8.04

Present : Hon'ble Mr. D.C. Verma, Vice-Chairman
Hon'ble Mr. M.K. Mishra, Member(A)

Badrejamal Mallick, son of
Abu Siddique Mallick
Village : Krishnabati,
P.O.Shimulia, P.S.Mangalkoth,
District - Burdwan

.....Applicant

VS.

1. Union of India, service through
the Secretary, Ministry of Finance,
North Block, New Delhi-110001
2. Director, of Customs & Central
Excise, Central Secretary,
North Block, New Delhi-110001
3. Commissioner of Customs,
Customs House, having his
office at Customs House,
15/1, Strand Road, Calcutta-1
4. Deputy Chief Chemist,
Customs House, having his office
at 15/1, Strand Road, Calcutta-1

.....Respondents

For the applicant : Mr. B. Deb Sen, counsel

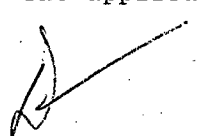
For the respondents : Mr. B. Mukherjee, counsel

O R D E R

Per D.C. Verma, V.C

By this O.A. the applicant has claimed absorption on the post
of Laboratory Attendant.

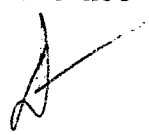
2. The brief fact is that for the post of Laboratory Attendant an
interview was held on 15.7.1996. The applicant alongwith others was
interviewed and marks were allotted to the candidates. It is not
disputed that only 5 vacancies were notified of which only two were
for unreserved candidates. The applicant is an unreserved candidate.



3. The respondents' case is that the applicant was considered alongwith others and marks were allotted. The applicant could secure only 39 marks whereas the qualifying marks for selection was 50. As per the list, those who secured 50 marks and above, were kept in the panel. As the applicant failed to secure the qualifying marks, his name was not brought in the panel. Out of the 7 candidates in the panel, 2 candidates, namely Sudip Purkait and Arun Pani who secured highest marks, were appointed.


4. Ld. counsel for the applicant has submitted that as per the respondent's reply candidates were called for the interview on the basis of their qualification and experience only. The interview was held on 15.7.1996. The applicant has been given only 39 marks whereas Sudip Kumar Purkait whose name is at Srl. No.21 in the eligibility list, was given 71 marks. The applicant, according to the ld. counsel, has 5 years' experience as Laboratory Attendant whereas Mr. Sudip Kr. Purkait has no experience as Laboratory Attendant, therefore, the applicant should have been given more marks in comparison with Sudip Kr. Purkait and accordingly a direction be given to the respondents.

5. Ld. counsel for the respondents on the other hand submitted that the committee which interviewed about 40 persons, assessed merit of each candidate and allotted marks as per Annexure A-I to the O.A. He further submitted that the Tribunal cannot sit in appeal over the selection committee to adjudge the mind of the members of the committee. It is also submitted that many candidates secured marks higher than the applicant, hence the applicant has no chance of selection. It is further submitted that the persons who have been selected or listed in the panel have not been made party.



6. Counsel for the parties have been heard at length. A copy of of the panel has been annexed as Annexure A-2 to the reply. It shows that 7 unreserved candidates' panel was prepared. The applicant's name is not in the panel. For the two vacancies of unreserved candidates Mr. Sudip Purkait and Mr. Arun Pani who secured highest marks, were given appointment in their order. The applicant has come to challenge the appointment without impleading the selected persons. So no relief can be granted to the applicant. Further, simply because the applicant has 5 years' experience and one of the appointed person, namely Sudip Purkait has no experience, the appointment of Sudip Purkait cannot be held invalid. It is not disputed that qualification and experience was not the only criteria for selection. Had it been so, there was no necessity of interview. Only examining the records would have served the purpose. Besides this, not only Sudip Purkait but three others namely Susmita Banerjee, Jhuma Ghosh and Rajesh Gupta have no experience, but their names appear in the panel. So the applicant cannot challenge the appointment of Sudip Purkait on the ground that Mr. Purkait has no experience.

7. In view of the above discussions, the above O.A. has no merit and the same is dismissed without any order as to costs.


MEMBER (A)


VICE-CHAIRMAN