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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 19.08.1998.

O.A.No. 33/1998.

Bhikha Ram S/o. Shri Ram Kishan, aged about 34 years, R/o C/o Sh. Jagmal Ram Bishnoi, Dau Ji Ki Pole Ke Pass, Vill. Suthla, Chopasni Road, Jodhpur, last employed as Casual Labour in the office of Senior Audit Office Traffic Audit, Northern Railway, Jodhpur.

..... Applicant.

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Principal Director of Audit, Northern Railway, Baroda House, New Delhi.
3. The Senior Audit Officer, Traffic Audit, Northern Railway, Jodhpur Division, Jodhpur.
4. The Divisional Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

..... Respondents.

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Mr. J.K. Kaushik, Counsel for the applicant.

Mr. K.S. Nahar, counsel for the respondents.

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CORAM :

HONOURABLE MR. A.K. MISRA, JUDICIAL MEMBER

HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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The applicant has filed this O.A. with the prayer that the respondents may be directed to consider the candidature of applicant for absorption/appointment against the vacant group D post in the office of the 3rd respondent as per rules and allow all consequential benefits. The applicant had also prayed for interim relief seeking direction to the respondents to allow the

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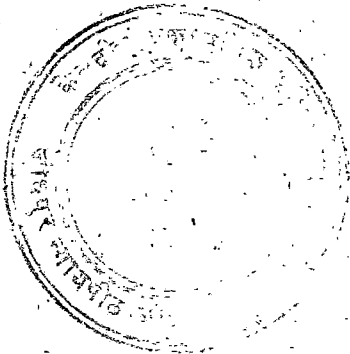
applicant to appear provisionally in the screening/selection test being conducted on the group D post in the office of respondent No.3.

2. After hearing the learned counsel for the applicant, Dasti notices were directed to be issued on 6.2.1998. On the same day, considering the prayer of interim relief, the respondents were directed to consider the candidature of the applicant and interview him provisionally alongwith other candidates for the post of group D as per their notice. It was further directed that the result of the applicant be kept in sealed cover.

3. The respondents filed the reply in which it has been mentioned that the recruitment process was taken in hand as per the prevalent rules and circulars on the subject. The applicant was not eligible to be considered. However, in view of the interim direction issued by the Tribunal the applicant was allowed to appear provisionally in the screening test and his result has been kept in sealed cover. It is also alleged by the respondents that the applicant has no case and the OA deserves to be dismissed.

4. On 23.7.98 it was directed that sealed cover relating to applicant's screening test be produced before us. In pursuance of that order, the learned counsel for the respondents produced a sealed cover before us today which is said to contain the result of screening test of the applicant in respect of the post in dispute.

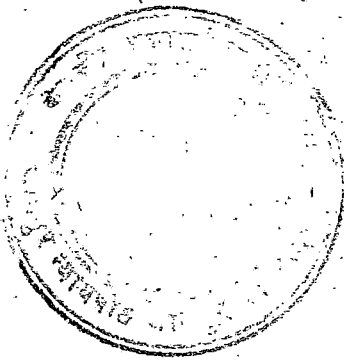
5. The Sealed-Cover was got opened by us and the result of the applicant seen. Papers relating to screening test of other



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candidates were also seen by us. There is no dispute in respect of the number of post being One for which screening test was under-taken by the respondents from amongst the eligible candidates. After the screening test two persons were empanelled who had secured 31 and 29.66 marks respectively. Rest of the 16 candidates who had secured marks ranging from 26.33 to 20.33 and below were not at all empanelled. Since the post was one, there was also no necessity for empanelling more than two persons i.e. doubled the number of vacancy. The applicant who had provisionally been screened had secured 20.33 marks. In view of the marks obtained by the applicant it cannot be said that he was entitled to be empanelled as the other better qualified candidates have also not been empanelled looking to the number of vacancy.

6. In view of the above facts, the applicant has no case. The OA deserves to be dismissed and is hereby dismissed with no order as to costs.


Gopal Singh
 (GOPAL SINGH)
 Administrative Member

Jan
 (A.K. MISRA) 15/8/98
 Judicial Member

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