

I/6

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 306/2003
Date of Decision : this the **29th day of March 2004**

Hon'ble Mr. J.K. Kaushik, Judicial member
Hon'ble Mr. G.R. Patwardhan, Administrative Member

Nem Singh S/o Shri Pratap Singh
PGT (Physics) Kendriya Vidyalaya Lalgarh Jattan
District Sri Ganganagar (Raj)
[By Advocate Mr. Chain Singh, for applicant]

.....Applicant.

vs.

1. The Commissioner,
HQ., Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi 110 016.
2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan (RE),
92, Gandhi Nagar Marg Bajaj Nagar, Jaipur-302 015.
3. Shri S. Padmanabhan, Principal,
Kendriya Vidyalaya, Lalgarh Jattan,
District Sri Ganganagar (Raj).

[By Advocate Mr. K.K. Shah, for the respondents]

.....Respondents.

.....
ORDER

[By G.R. Patwardhan, Administrative Member]

This is an application by Shri Nem Singh, P.G.T. (Physics) in Kendriya Vidyalaya, Lalgarh Jattan, District Srigananagar against the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi., Assistant Commissioner, Kendriya Vidyalaya Sangathan, Jaipur and Shri Padmanabhan, Principal, Kendriya Vidyalaya Sangathan, Lalgarh Jattan. There is no order against which this application is filed; what is agitated is non declaration of merit list of promotion to the post of either Education Officer or Principal.

2. Facts of the case as revealed by the pleadings may be described first. It appears, the Sangathan, respondent, invited applications from the eligible candidates among PGTs for the promotion to the post of Education Officer/Principal, through, advertisement in Employment News dated 7-13 December 2002. In due course, the applicant responded to the advertisement, made efforts to get his application sent through Principal and was eventually called for interview. However, no merit list was declared and promotion, orders, it is alleged, are being issued on the whims and fancy of respondent Sangathan. It appears the respondents are contemplating disciplinary proceedings as it revealed by contents of a communication dated 25/26.6.2003 placed at Annex. A/5 – but it is the contention of applicant that it could not have been trended against him as the interview take place a year earlier.



3. The ground of assailing the decision of respondents are as follows :-

- (a) It is against settled position of law not to issue the merit list and not informing the applicant his position in the merit list.
- (b) That the selection is not by seniority but by screening of eligible candidates. As the applicant was called for interview after careful screening and was asked to bring original documents, it is clear that all that needed to be done was only verification of the same.
- (c) If the promotion of the applicant has been stopped on the ground of contemplation of disciplinary proceedings then it is illegal.

DR

4. Detailed parawise reply has been filed by respondents. The main points are as follows :-

- (a) The applicant was interviewed on 11.4.2002 for the post of Education Officer and on 16.4.2002 for the post of Principal in response to the advertisement issued in 2001. However, the selection committee did not recommended his name.
- (b) Another advertisement was published for the posts of Assistant Commissioner, Assistant Commissioner (Administration & Finance), Education Officers and Principal in December 2002 and the applicant was screened on 6.4.2003. In this screening, the applicant secured less than the cut-off marks prescribed for calling for interview and was, therefore, not called for the same.
- (c) That the advertisements were for selection and not promotion.
- (d) That the applicant has mixed-up the two advertisements. In the earlier case relating to the advertisement of year 2001, he was not found suitable though interviewed. But with respect to the advertisement issued in year 2002, he was not even called for interview.
- (e) That the process undergone has nothing to do with the alleged departmental proceedings as only merit has been kept as a criteria while screening and final selection.

5. The learned advocates for both the parties have been heard and with their consent, this application is being disposed of at the admission stage itself.

— 91 —

6. The learned advocate for the applicant was specifically asked if there is any rule or guidelines that has been infringed in his case. He was also asked to explain if at all any of his legal right has been violated. However, it appeared to be his case that as his relations with respondent No. 3 – the Principal have not been cordial, he apprehends that this might have weighed with respondent No. 1 and resulted in his rejection. In particular he relied on Annex. A/5 to show how this might have weighed with the authorities to deny him an opportunity.

7. The detailed reply of the respondents makes it clear that the applicant did not reach the stage of interview in the second transaction and so naturally was eliminated at the screening stage. The question of comparison with others, therefore, does not arise. In the first transaction, it is claimed that the applicant was not found suitable. This has not been challenged.

9. Applicant has failed to mention any rule, that requires the respondents to publish merit list. That being the case and no one specific being challenged for having got selected, there is no merit in this application, it is dismissed. No order as to costs.

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[G.R.Patwardhan]
Administrative Member

J.K.Kaushik
[J.K.Kaushik]
Judicial Member

Part II and III done
in my presence on 23/10/13
under the supervision of
Section officer () as per
order dated 18/10/13

D.K. Singh
Section officer (Record) 23.10.2013

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