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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application 118/2010

Date of Order : 28.11.2011

CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)

Navneet Detha S/o Shri Kishan Dan Detha
Aged about 19 years, R/o Village & Post Balewa,
Tehsil Shiv, District Barmer (Raj.).

.....Applicant.

By Mr. P.S.Bhati, Advocate.

Versus

1. Union of India through the Secretary, Ministry of Communication and Information Technology, Government of India, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur, Rajasthan.
3. Assistant Post Master General (Staff and Vigilance), Rajasthan Circle, Jaipur, Rajasthan.
4. Superintendent of the Post Office, Jaipur Division, Jaipur, Rajasthan.
5. Tarun Sharma (Postal Assistant) S/o Shri Nand Kishore Sharma in the Office of Senior Superintendent of the Post Offices, Alwar Division, Alwar, Rajasthan.

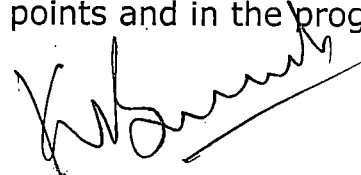
..... Respondent

By Mr. M. Godara for Mr. Vineet Mathur, Advocate, for Respondents No. 1 to 4.
By Mr. B.Khan, for Mr. S.S.Sisodia, Advocate, for Respondent No. 5.

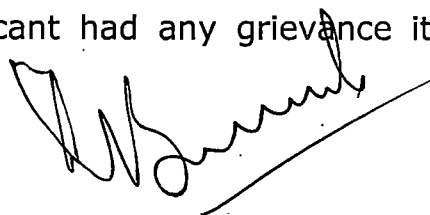
ORDER (ORAL)
[PER DR. K.B.SURESH, JUDICIAL MEMBER]

Heard both the counsels and examined the pleadings.

2. We had seen all the documentation and computed the matter ourselves. The respondents conducted trial games to test the competency of the candidates in their respective sports category in view of their Advertisement dated 10.09.2009 for the post of Postal Assistant / Chantai Assistant under Sports category and two posts were for Chess category. From the academic consideration it would appear that the 5th respondent had obtained total 39 points whereas the applicant of this OA had obtained 36 points and in the progressive



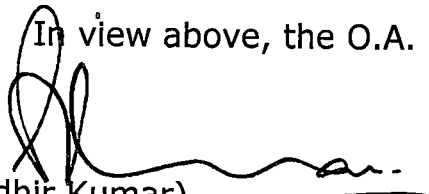
activity of Chess Competition in view of the Chess Competition conducted on 11.04.2010 for filling the posts under the Sports quota, the 5th respondent had obtained 13 progressive points whereas, the applicant could get 12 progressive points which is lesser to Shri Tarun Sharma. Shri Tarun Sharma, the 5th respondent, has got better position than the applicant. The committee has recommended selection of the private respondent No. 5 being at No. 2 against two posts of PA/SA prescribed for Chess sports quota after overall assessment as per certificates of sports activities produced by the respective candidates. The learned counsel for the applicant submitted that the methodology adopted by the respondents was wrong and that they ought to have considered the value of certification, also since he played at international level, due preference should have been given in comparison to National level players. But, then it came about that even though he has a claim that he had played at international level, but no such stipulation was made by him at the appropriate time, nor was it available in the parameters fixed already, and the respondents have adopted a methodology available for it, and at the appropriate time the applicant had not complained so. Basically, it is also a reasonable method. At this juncture it may not be possible to go back and have the matter re-examined once again, nor it is reasonable. It is stated in reply that after completion of the trial, the applicant got score of equal to that of the 5th respondent. As per rules in such cases of tie, and looking to the fact that the players have not played each other, then one more tie break game will be played between both the players with colour on toss and in case the game is drawn, the tie break system of progressive score will be final, therefore, the result for trial was declared in favour of the respondent No. 5. If the applicant had any grievance it could

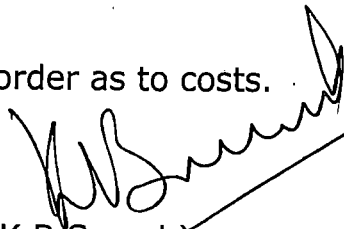


have been resolved then itself, and it should not have been raised now, as there is no documentation that applicant has ever raised any objection at that point. This seems to be a new dawned wisdom, as even today that may not be proper as the 5th respondent had already been appointed, we are reluctant to interfere even if some merit may be attached to the applicant. Having not raised such things at the relevant point of time, they could not be considered in the O.A. and, therefore, also it fails. Competition among the contestants is a reasonable method to detect merit.

3. The learned counsel for the applicant wanted to submit one more point that he is an international player whereas the private respondent No. 5 is only a national level player, but in a match where competency was tested between them, and, the applicant could not win over the 5th respondent, and even otherwise the total points received by the respondent No. 5 were higher, and this fact is admitted by both sides. So cumulatively merit is on the side of the 5th respondent, and the official respondents have taken a correct decision.

4. In view above, the O.A. is dismissed with no order as to costs.


(Sudhir Kumar)
Member (A)


(Dr. K. B. Suresh)
Member (J)

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