

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

O.A. No. 1301 of 1997

Date of Order : 28-06-05

Present : Hon'ble Mr. M.K. Mishra, Administrative Member
Hon'ble Mr. K.B.S. Rajan, Judicial Member

TANAY KR. MONDAL & ANR.

-Vs-

UNION OF INDIA AND ORS. (E. Rly.)

For the Applicants : None.

For the Respondents : Ms. R. Basu, Counsel

ORDER

MR. K.B.S. RAJAN, JM

None for the applicants. Ms. R. Basu, Counsel for the respondents is present. This matter was earlier prosecuted by late Samir Ghosh. After his demise a notice was sent to the applicants at their residential addresses on 21.9.2004 to engage another lawyer to argue the case on their behalf. However, there has been no response from the applicants inasmuch as neither they have engaged any lawyer nor they present themselves in Court. Since this is a matter of 1997, we have perused the documents and decided the case under rule 15(1) of CAT(Procedures) Rules, 1987.

2. Heard Ld. Counsel for the respondents. According to the counsel for the respondents, the applicants though claimed themselves to be ITI passed candidates, they did not possess any such qualification. Again the counsel for the respondents states that in the test conducted for recruitment to Group 'D' post, they have failed in the qualifying test and after failure they have challenged the decision of the Selection Board.

3. The main contention of the applicants, according to them, is that preference will be given to ITI passed candidate which is ^{advertisment} purely relied on by the applicants. The preference that would be given to ITI passed candidate cannot be taken to mean that

a person holding such ITI passed certificate, he should be selected. It only means that if in the ~~first~~^{first} two persons qualified, one of whom is holding the ITI certificate and there is only one post, in that event that person ^{with ITI} should be preferred to other candidate. Nothing less; nothing else.

4. In the instant case since the applicants have already failed in the examination and even their contention that they possess ITI passed certificate has been questioned by the respondents, we do not find any merit in the matter and therefore, the O.A. is dismissed. In the circumstances, there is no order as to costs.



(K.B.S. Rajan)
Judicial Member



(M.K. Mishra)
Administrative Member

DKN