

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.1344 of 1997

Present: Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. B. P. Singh, Administrative Member

Sri Paresh Nath Rajak, S/o Sri Bani Lal Rajak, residing at 64, Bakarmahal Sadar Bazar, P.O. Barrackpore, Dist. 24 Parganas (North) working as Barbar in the office of Commanding Officer, Base Hospital, Barrackpore

.... Applicant

VS

1. Union of India, through The Secretary, Ministry of Defence, North Block, New Delhi-1
2. The Director General of Medical Services (Army)/DDMS-3 Adjudant General Branch, L-Block, Army Headquarters, New Delhi-1
3. The Deputy Director of Medical Services, Head Quarter, Bengal Area, 246, A.J.C. Bose Road, Alipore, Calcutta
4. The General Officer Commanding, The Headquarters, Eastern Command (MRD), Fort William, Calcutta-21
5. The Commanding Officer, Base Hospital, Barrackpore, Govt. of India, Ministry of Defence, Barrackpore, P.O. Dist. 24-Pgs(N)
6. Md. Masum, S/o of Md. Gulab, 48, Lakri Mahal, Orderly Bazar, Barrackpore, 24 Pgs (North)
7. Sri Sunil Mistri, Ludha, P.O. Shyamnagar, 24-Pgs (N)
8. Sm. Amita Sil, wife of Anil Sil Rani Rashmani Nagar, P.O. Sodepur, 24-Parganas (N).
9. Sm. Munmum Chakraborty, Ambagan, P.O. Agarpara, 24-Pgs (N)

.... Respondents

For the Applicant : Mr. B. Mukherjee, counsel

For the Respondents : Mrs. K. Banerjee, counsel

Heard on 26.4.1999

: : Date of order: 13-5-1999

O R D E R

D. Purkayastha, JM

By this application the applicant, Shri Paresh Nath Rajak had challenged the notice dated 18.11.87 for interview for the

post of Stenographer issued by the respondents from the candidates through Employment Exchange on the ground that the post was to be filled up by departmental candidate and the applicant is a departmental candidate and he has got the requisite qualification for the post of Stenographer; but he was denied interview for the said post. He filed this case before this Tribunal and thereafter as per Tribunal's order he was allowed to sit in the interview, but the result of the interview has not been published. While this is the position, the respondents had issued a notice which has been impugned in this case including the names of the outside candidates through Employment Exchange. Feeling aggrieved by such action he filed this case.

2. The respondents denied the claim of the applicant stating interalia that the applicant is a Barbar by profession employed in the Hospital under the respondents since 13.11.1989 and he made a verbal request to appear in the above interview and he was advised to apply in writing under the existing procedure which allows departmental employee to appear for the promotional examination. He was also intimated well in advance verbally by the Coy. Commander of the Hospital. According to the respondents, the applicant instead of appearing in the test on the same date on 11.9.97 made an original application bearing OA 1070/97 which was disposed of by this Tribunal by an order dated 16.9.97 wherein the respondents were directed to take a supplementary interview of the applicant on some other date with reasonable notice to him. And there was a further direction by the Tribunal that on the basis of the result of such supplementary interview the applicant may be called to type test, speed test for Stenographer on the basis of the result and other condition of eligibility and the respondents may consider for his appointment, if he is otherwise eligible. Basing on that direction a fresh date of interview was notified by notice dated

27.9.97 to all the candidates including the applicant and the date of fresh interview was fixed on 3.10.97. On that date the applicant was tested for the post of Stenographer alongwith other candidates. Incidentally, none of the candidates could even qualify in the test and the applicant was also one of the failed candidates. The result of the interview held on 3.10.97 was also intimated to this Tribunal by a letter dated 14.10.97. As none of the candidates including the applicant qualified in the test held on 3.10.97 a further interview and test for fresh candidates sponsored by the Employment Exchange was held on 21.11.97. However, no candidate could qualify this time also. Thereafter the applicant moved the instant application before this Tribunal. A further interview and test for fresh candidates sponsored by Employment Exchange was held on 24.1.98 wherein a suitable candidate was selected. All the formalities for appointment have been completed before 3.2.98 and Miss Mahuya Mukherjee was selected as Stenographer. But the applicant was not called for interview on 24.1.98, since had failed a few days earlier in the same test. So, the selection of Miss Mahuya Mukherjee was done in accordance with the procedure followed by the respondents. So, the application is devoid of merit and liable to be dismissed.

3. Mr. Mukherjee, learned advocate for the applicant strenuously argued before us that the respondents did not publish the result of the interview held on 3.10.97 and he further submits that in order to deprive the applicant for appointment to the post of Stenographer in question his answerscript was tampered and thereby he was denied the appointment to the post of Stenographer.

4. Mrs. Banerjee, learned advocate appearing on behalf of the respondents produced the original records relating to the interview held on 3.10.97 and those are marked as Annexures/R3 series to the reply. It is found that the 12 candidates appear



on 3.10.97 including the applicant who was placed at Sl. No.8 of the list marked Annexure/R3. It is found that he obtained '0' mark and thereby he failed. Mrs. Banerjee, learned advocate submits that the post of Stenographer is a technical post and it requires that the applicant must know stenography and without knowledge of stenography the departmental candidate cannot get any weightage. Mrs. Banerjee further submits that in the interview held on 3.10.97 the applicant failed to write even one sentence, though he obtained a certificate of Stenography from Commercial Institute. Mrs. Banerjee has also drawn our attention to the answerscript marked Annexure/R3 series to the reply. Mrs. Banerjee also produced the original answerscript of the applicant relating to the interview held on 3.10.97 and we have perused the same.

5. After considering the submissions of the learned advocates of both the parties and after perusal of the records we are satisfied that the applicant made a frivolous application before this Tribunal falsely alleging that his answerscript was tampered. On a careful perusal of the answerscript of the interview held on 3.10.97 it is found that the applicant has no knowledge of shorthand and he failed to write even a sentence. It is specifically mentioned that the individual has no knowledge of English or Shorthand and he has no basic or essential knowledge of English language. On a perusal of the original records and answerscript we find that the marks given by the examiners are fully justified. Answerscript does not show that the applicant has any knowledge of stenography to compete for the post of stenographer and it is undesirable that person having no knowledge of Stenography should be appointed against the post of Stenographer.

6. In view of the aforesaid circumstances we find no justification to interfere with the selection of Ms. Mahuya Mukherjee who appears as an intervener in this case on the date

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of hearing. We are inclined to impose heavy cost on the applicant for filing a futile application before this Tribunal incorporating false allegation against the Department with regard to answerscript. But it is found that he is a Barber by profession. Thereby we do not impose any cost in this case. With this observation we dismiss this application awarding no cost.

2 NY Cm
(B. P. Singh) 13/5/99

MEMBER (A)

13/5/99
(D. Purkayastha)

MEMBER (J)