

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 522/88 89
~~xxxxxx~~

198x

DATE OF DECISION 5-11-90

S. Kuttan Pillai and 4 others Applicant (s)

Mrs.K. Usha Advocate for the Applicant (s)

Versus

The Director, Doordarshan Respondent (s)
Kendra, Trivandrum, and 2 others

Mr. N.N. Suganapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

N.V. Krishnan, AM

The five applicants before us were working as Floor Assistants in the Doordarsan Kendra, Trivandrum purely on casual basis. When regular vacancies arose and an announcement was made that these posts will be filled by candidates satisfying the eligibility conditions ^{mentioned in Ann}, the applicants also applied. There was no response to their applications though others were asked to appear for test on 2-9-89. The applicants were not permitted to appear in the written test apparently on the ground that they were over aged. It is in this background that they preferred this application claiming the following reliefs:

.... /

... (i) call for the records of the case and declare that the applicants are entitled to be called for written test and interview the post of Floor Assistants in Doordarsan Kendra, Trivandrum.

(ii) declare that the applicants are entitled to get relaxation as provided for in Annexure-A.3 notification.

(iii) grant the cost of the Original Application..."

2. After the application was admitted on 1-9-89 an interim direction was issued on the same day to the respondents to allow the applicants also to appear in the test held on 2-9-89 on a provisional basis, with a rider that the results of the applicants should not be announced until further orders.

3. When the case came up for hearing today, the learned Senior ^{Central Govt.} Standing Counsel appearing for the respondents submitted that on the basis of the written test and interview held on 2-9-89 and 4-11-89 respectively for filling up the posts of Floor Assistants and the compilation of marks, none of the applicants has been finally selected. ^{He} and stated that only the applicants 1, 3 and 4 viz. S/Shri S. Kuttan Pillai, G. Sreekumar and K.P. Mohana Kumaran Nair, passed in the written test and thus qualified to appear in the interview. However, after the interview, when the results were tabulated, it was found that they did not make the grade. The result sheet was produced, before us. It shows that 14 persons were empanelled for appointment, of whom 11 persons are for unreserved vacancies and 3 are for reserved vacancies.

Admittedly, the applicant can claim selection against the unreserved vacancies only. We notice that out of the total marks^{of} 210, (110 marks for the written test, 100 marks for the interview),^{the} the 11 general candidates who were empanelled have secured total marks varying from a minimum of 124 and a maximum of 148. As against this, the applicant Shri Kuttan Pillai has secured 107 (76+31), Shri Mohana Kumaran Nair 79 (55+24) and G. Sreekumar 77 (60+17) and have thus, not been ~~rightly~~^{rightly} selected.

4. The question whether the applicants were entitled as of right to appear in the test at all would have arisen if any of them had been empanelled. As none of them has been empanelled, we are not called upon to adjudicate^{to} other issues in this case.


5. The learned counsel for the applicants, however, submitted in his arguments, that during the pendency of this application, the applicant had been denied engagements, perhaps for the reason that they had approached the Tribunal. He also apprehended that the results of the examination have been adverse to them, probably for the same reason. We are of the view that these are matters which are not germane to this case and have to be agitated separately.

(...4...)

6. On the facts and in the circumstances of the case, we dismiss the application as the applicants have failed on merit, preserving the right of the applicants to challenge the results of the examination, if so advised, before the appropriate forum.

We are not making any order as to costs.


5.11.90
(N. DHARMADAN)
Judicial Member


6/11/90
(N.V. KRISHNAN)
Administrative Member

05-11-90

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