

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.559/2006

Tuesday this the 31st day of July, 2007

CORAM

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

- 1 T.A.Shallten S/o Augustine,
Thandassery House,
South Chittoor, Kochi.27.
- 2 K.G.JobyThomas
Kalathil House, Puthuvype PO
Kochi-682508.
- 3 Anish Kumar TU
Thoniparambil House,
Kochi-682034.
- 4 C.V.Pramod Kumar
S/op late Sri Viswambharan,
Chakkalakkal House, Vallarpadam PO
Kochi.31.
- 5 K.D.Jipson, Kalathithara House,
Near Govt. Hospital,
Narakkal PO
Pin.682505.

...Applicants

(Name of Mr.K.H.Saneesh, who was the 5th applicant has been removed from the party array vide order dated 20.7.2007 in MA 518/07)

(By Advocate Mr. Lal K. Joseph)

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- 1 The Flag Officer, Commanding-in-Chief,
Headquarters, Southern Naval Command,
Kochi-682004.
- 2 Commadore Superintendent,
Personal and Administration,
Southern Naval Command,
Kochi-682004.

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3 The Staff Officer
(Civilian Personal)
Southern Naval Command,
Kochi-682004.

4 The Senior Manager(Production)
Naval Ship Repair Yard,
Southern Naval Command,
Kochi-682004.

...Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The application having been finally heard on 9.7.2007, the Tribunal on 34.7.2007 delivered the following:

ORDER

Hon'ble Mr. George Paracken, Judicial Member

The applicants were candidates for the post of Lascar Ist Class at the Southern Naval Command, Kochi advertised by the respondents in the newspapers by the Annexure.A1 notification. They were not finally selected for the said post. In the present OA, they have sought to quash the entire selection process pursuant to the Annexure.A1 notification and subsequent publication of short listed candidates and appointment, if any, made by the respondents for the post of Lascar Ist Class.

2 As per the Annexure.A1 notification, there were 21 vacancies, out of which 4 were reserved for Ex-Servicemen. The qualification prescribed was three years experience in Ship/Craft. Having fulfilled the qualification, the applicants have also applied for the aforesaid post. The respondents had issued admit cards to the applicants and they were called for trade test allotting separate roll numbers. The selection was conducted by a three member Board constituted by the first respondent consisting of the 3rd respondent as the President of the Board and Lt.Cdr ((Store) and a Civil Gazetted Officer as other members. The selection process consisted



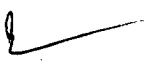
of trade test, written test and personal interview. The trade test consisted of swimming test, Knot test and fire safety test. The successful candidates in the trade test were called upon to appear in the written test. The applicants qualified both the trade test and the written test but they were not called for personal interviews held on 24.5.2006 and 25.5.2006. According to the applicants, the selection procedure was vitiated as the respondents in violation of the settled position of law, called 110 candidates for personal interview against just 21 vacancies. Further, many of the candidates who failed in the trade test and written test were also called for personal interview. After the personal interview, without publishing the names of shortlisted candidates, the respondents called a number of candidates including 14 Ex-Servicemen for medical examination when the reservation to Ex-Servicemen was limited to only 4 candidates. They have also specifically mentioned one A.J.Sadish, who was short listed in the category of Ex-servicemen though he was still in service and he could not have been called for interview as an Ex-Serviceman at all. Another allegation of the applicants was that the candidates who have chosen for medical test were actually relatives and blood relations of the officers of the respondents who have conducted the test.

3 The respondents have filed their reply refuting the allegations made by the applicants. They submitted that in the Annexure.A1 notification calling applications for 21 vacancies of Lascar Ist Class itself it was indicated that the number of vacancies was likely to increase and the total number of vacancies finally assessed was 26. The applications received in response to the said Annexure.A1 notification were scrutinized and accordingly 506 candidates including the applicants were found to be



eligible for the trade test and they were subjected to swimming, knot, fire safety. Those successful in the trade test have been allowed to appear in written test. The 97 candidates who have qualified the tests were called for interview for the 26 vacancies of Lascar 1st Class. On completion of the trade/written test and interview the Selection Board prepared a select list of the most suitable candidates consisting of 22 General Candidates and 4 candidates belonging to the Ex-Servicemen category. In addition, a reserve list of 10 candidates was also drawn up, considering the unforeseen eventualities and the urgency to fill up the post being operational in nature. The respondents have denied the allegation of the applicants that many of the candidates who failed in the trade test and written test were called for personal interview. They have also denied the allegation that the candidates who have been selected were the relatives of the members of the Selection Board. According to them, the Selection Board has fixed the Bench Mark of 25 marks (35% out of 70) as qualifying marks for oral interview and all the 97 candidates including the applicants who secured the said minimum eligibility marks in the written test were called for interview. They have also stated that the personnel who are in active service and left with 11 months for their release from service are also treated as Ex-Servicemen for the purpose of selection and therefore, they were also allowed to appear in the selection subject to fulfilling the other conditions prescribed in the Recruitment Rules for the post.

4 We have heard Advocate Ms.Sheena for the applicants and Mr.TPM Ibrahim Khan, SCGSC for the respondents. We have also perused the relevant records relating to the recruitment of Lascar 1st Class made available by the respondent department. The respondents have



constituted a Board of the following Officers for selection to the post of Lascar 1st Class:

(a) Cdr PR Hari (41404-Z), NSRY (K) :: President

(b) Lt Cdr B. Manoj Kumar (41972-R), NSRY :: Member

(c) Shri RR Nair, AO II, SO(CP), HQSNC :: Member

Though 506 candidates were called for the test in three batches, only 251 candidates have appeared and out of them, 42 candidates were unsuccessful in the preliminary test itself. The remaining 209 candidates were admitted to the Written Examination for which 50 marks were allocated. After evaluation of the Practical Test and Written Examination, the Board found that 97 candidates secured the minimum qualifying marks already fixed and all of them were called for interview. Based on the overall merit ie., marks scored by the candidates in the Practical Test/Written Examination and Interview, a Select list of 22 candidates for general category vacancies and 04 for Ex-Servicemen vacancies and also a reserve list of 10 candidates were prepared. In the general category, 13 Ex-Servicemen came in their own merit having secured marks ranging from 82 to 62. In the reserved category, they obtained marks in the range of 59 to 35. As a result, out of the 26 candidates selected, 17 Ex-Servicemen could find their place. The applicants, on the other hand have appeared in the trade test, written test and the personal interview but have not even secured the minimum prescribed marks and obviously they have not been included in the Select List. After having participated in the selection and failed to find positions in the merit list, the applicants cannot

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now turn around and say that the selection was vitiated. After perusing the records relating to the selection, we are satisfied that the selection was held in fair and transparent manner and there is no merit in the allegations of the applicants. The O.A being devoid of merit, the same is dismissed. There shall be no order as to costs.

Dated this the 31st day of July, 2007


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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