

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 568/92

Thursday, this the 3rd day of November, 1994

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P. V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

N.A. Sebastian
Upper Division Clerk
Office of the Regional Provident Fund
Commissioner, Pattom, Trivandrum

Applicant

By Advocate Mr. T.C.G. Swamy

vs.

1. The Central Board,
Employees Provident Fund through
the Central Provident Fund Commissioner
9th Floor, Mayur Bhavan, Connought Circus
New Delhi

2. The Regional Provident Fund Commissioner
Bhavishynidhi Bhavan, Pattom,
Thiruvananthapuram

Respondents

By Advocate Mr. Mathews J. Nedumpara

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant an Upper Division Clerk in the office of the Regional Provident Fund Commissioner, seeks a direction to consider him against a vacancy of Enforcement Officer/ Assistant Accounts Officer/Superintendent. Appointments were being made in terms of 'Employees Provident Fund (Staff and conditions of Service Regulations), 1962' till A-1 rules came into force. At that time, the posts were known as Provident Fund Inspectors, subsequently re-designated as Enforcement Officer/Assistant Accounts Officer/Superintendent.

2. Under the amended rule(A-1) 25% of the posts are earmarked for departmental employees including Upper Division Clerks. There are other categories with which we are not concerned. The method of appointment is by a competitive examination consisting of two papers. Part-I is a

competitive examination and Part-II a qualifying examination. Ranking is based on the total marks. However, a minimum has to be obtained in part-I. Consideration is related to the number of vacancies.

3. Applicant obtained the minimum qualifying marks in part-I but he was not allowed to take Part-II examination. Respondents took the view that a pass in part-I examination, per se, will not entitle consideration, and that consideration will depend further, on the number of posts available. This view is perfectly tenable. But this ratio is not to be applied, at an intermediate stage of the process/examination. Applying the ratio or restriction, is not at the stage of Part-I examination. Since ranking is based on the total marks in part-I and part-II, it is reasonable to think that passing in part-I with minimum marks, entitles participation in part-II paper. If selection is with reference to the position in part-I examination (related to number of posts), then there would be no need or justification for holding part-II examination. Selection being a composite process, a pass in Part-I entitles applicant to take part II examination.

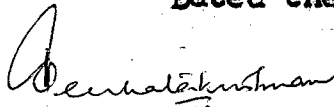
4. By reason of an interim order issued by a Bench of this Tribunal, applicant has taken part-II examination. The result will be published and the combined marks will be reckoned and ranking will be made observing the ratio indicated in the rules. Selection will be made accordingly.

5. Applicant has a claim to a vacancy that arose prior to A-1 rules. Ad hoc appointments were made between 5.8.82 and 2.3.90. When A-1 rules were notified, those

ad hoc appointments are said to have been regularised. Whatever that be, so long as the affected parties namely those regularised are not before us, we decline to consider that question.

6. Original Application is allowed to the extent, as indicated hereinbefore. Parties will suffer their costs.

Dated the 3rd November, 1994.



P. V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

Kmn 31194

LIST OF ANNEXURES

1. Annexure A1: Recruitment Rule No.P.IV/2(3)/92/Class.II.,
dated 9.3.90.

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