

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
.....

O.A. No. 383 of 1995.

Monday this the 31st day of July, 1995.

CORAM:

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

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

T.V. Raveendran,
Turner, Highly Skilled Grade I,
Naval Ship Repair Yard,
Naval Base, Cochin-4,
Residing at Kupakkattu House,
Thevara P.O., Cochin-13. : Applicant

(By Advocate Shri VR Ramachandran Nair)

Vs.

1. Union of India represented by
the Secretary,
Ministry of Defence, New Delhi.
2. The Flag Officer Commanding-in-Chief,
Southern Naval Command,
Naval Base, Cochin-4.
3. The Chief Staff Officer Personnel &
Administration,
Southern Naval Command,
Naval Base, Cochin-4.
4. The Selection Board Constituted by
the 1st respondent for selection for
the post of Senior Chargemen(Machine),
Grade I for the year 1994 represented
by its President, Manager Engineering,
Naval Ship Repair Yard,
Naval Base, Cochin-4.
5. The Commodore Superintendent,
Naval Ship Repair Yard,
Naval Base, Cochin-4.
6. K. Sasi, Senior Chargemen (Machine),
Machine Shop, Naval Ship Repair Yard,
Cochin-4.
7. K. Sivapalan, Machinist HS I,
Machine Shop,
Naval Ship Repair Yard,
Cochin-4. : Respondents

(By Advocate Shri TR Ramachandran Nair, ACGSC for R.1-5)

The application having been heard on 31st day of July, 1995, the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges the appointment of 6th respondent, (wrongly stated as 7th respondent in the prayer) as Senior Chargeman. In his view, he is better qualified than the 6th respondent and he should have been selected. Challenging the previous years' selection, applicant came to this Tribunal (OA-207/94) with a similar grievance and the contentions raised in OA-207/94 were rejected. As far as the applicant is concerned the refrain of the song is that, respondents:

".....some how or other to defeat the applicant...."

2. Applicant would submit that he is a member of a Scheduled Caste and that relaxed standards should be applied to him. The reply statement shows that relaxation had been granted. Since there are no clearcut guidelines regarding the extent of relaxation say for example; marks of an additional 10%, 20% or 30%, applicant cannot insist that he should get a particular type or extent of relaxation. A-9 produced by him itself shows that the question of relaxation has to be considered on each occasion, with reference to the facts of each case.

3. Applicant then argued that his performance was very good and that he should have been selected. The reply statement observes that he did not get 50% of the aggregate marks contemplated by A-1 rules. We cannot sit as an appellate body as far as the selection is concerned nor can we substitute our views regarding the suitability of a candidate. (Dalpat Abasabeb Solunke etc. Vs. Dr. B.S. Mahajan etc., (AIR 1990 SC 434) and State Bank of India and others Vs. Mohd. Mynuddin (AIR 1987 SC 1889)).

4. Then it was argued that the marks allotted for interview were on the high side. 40% of the marks are set apart for the interview and that certainly is not excessive, in the light of the decision in D.V. Bakshi and others etc Vs. Union of India and others (AIR 1993 SC 2374). We cannot countenance the argument of malafides advanced at random, without attributing malafides to any one by name, individuals or officers.

5. Applicant submits that he obtained lower marks this year for the interview, compared to the previous year and submits that atleast the same marks should be given. At the same time he obtained higher marks in the written examination during this year, compared to the previous year. If the same logic is to be applied, he should have obtained only lesser marks for the written examination. The contention is fanciful and is rejected.

6. Applicant submits that he desires to make a representation to the Flag Officer Commanding-in-Chief. If he makes one, we are sure that it would be considered by the Flag Officer Commanding-in-Chief. But this observation will not confer a cause of action.

7. The application is without merit and we dismiss the same. No costs.

Monday this the 31st day of July, 1995.

PV Venkatakrishnan
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Chettur Sankaran Nair
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

rv31/7

List of Annexures

Annexure A-1: True copy of the schedule to the Recruitment Rules under SRO 291 dated 20.10.1983 amended vide SRO 279/85 and 158 dated 17th July, 1991 of the post of Senior Chargeman, Naval Ship Repair Yard.

Annexure A-9: True copy of the O.M.No.36011/6/79-Est(SCT) dated 19.4.1979 issued by the Government of India, Department of Personnel and Administrative Reforms regarding relaxation of standards in Qualifying Examination for promotions.