

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No.488 of 1996

Date of order 10.10.1996.

Bharat Singh ..

Applicant

-versus-

The Union of India & others ..

Respondents

CORAM: Hon'ble Shri K.D.Saha, Member(A)

Hon'ble Shri D. Purkayastha, Member(J)

Counsel for the applicant : Mr. S.K.Singh

Counsel for the respondents : Mr. J.N. Pandey

Counsel for respondents no.5 & 6 : Mr. R.K.Choubey.

O R D E R

Hon'ble Shri K.D. Saha, Member(A):

Heard Mr. S.K.Singh, learned counsel for the applicant, on the question of admission. This application was filed on 9.10.1996. On the same day the learned counsel made a mention in the Court for immediate hearing on the question of admission as otherwise the application will become infructuous due to lapse of time. We directed for its consideration on 10.10.1996 itself.

2. The facts giving rise to the case is as follows. The applicant, an Engineering Graduate, joined the Department of Telecom on 16.1.1974 as Engineering Supervisor (since designated as Junior Telecom.Officer) and came to be promoted in the cadre of Telecom. Engineering Services, Group 'B' in the year 1985. It is stated during the service period he did M.B.A. and LL.B. The respondents entered into an agreement with an

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Institution in Japan for purchase of equipment for 100 K. lines of NEAP - 61E digital exchange for 8 stations in India including Patna. The supplier is to impart training for management, handling, installation, etc. of the said equipment. The preliminary training is of two weeks duration at Jabalpur and thereafter there would be training in Japan for 8 to 11 weeks. It is not disputed that respondent no.1 through a letter dated 22.3.1996 (Annexure-A/4) had asked its various units to nominate suitable officers for this training. The requirements mentioned in the abovesaid letter were that officer nominated should be trained in Fundamentals of Electronic Exchanges, should not have gone abroad for any training of more than two weeks during the last three years, adequate representation should be given to SC/ST and women officers and officer nominated should not be more than 50 years of age as on 1.4.1996 and the number of officers nominated should be at least twice the number of slots allotted so that the Screening Committee constituted for this purpose can make a final selection equal to the number of persons to be sent for training. It appears that pursuant to the above directions, names of 14 officers including that of the applicant was forwarded by the Chief General Manager Telecom, Bihar Circle, Patna, to the Department of Telecom, New Delhi. Four out of these officers, as contained in Annexure-A/1 dated 27.9.1996 has been selected for training and the applicant has not been selected. Aggrieved by this, the applicant has filed this Original Application on the ground that Shri Makeshwar Singh and Shri Rampujan Prasad Gupta, respondents no.5 and 6 respectively, who have been

selected, are inferior to the applicant in every respect and they are junior to him. The applicant has sought for issue of direction to the respondents for selection of the applicant for two weeks training (Operation & Maintenance) in system NEAX -61 at Jabalpur commencing from 14th October, 1996 for being sent for further training to abroad. The applicant has sought for direction for his inclusion in the abovesaid training programme at Jabalpur.

3. Mr. J.N.Pandey, Senior Standing Counsel, appeared on behalf of the respondents and submitted that there is hardly an time for issue of notice and filing of detailed reply on behalf of the respondents as the training is due to start from 14th instant. The learned counsel for the respondents also submitted that there is no vested right for any incumbent for training of this nature, the applicant's name was duly forwarded along with others by respondent no.4 to the Department of Telecom, New Delhi and the Selection Committee has selected the private respondents in preference to the applicant. It is also stated that no mala fide is alleged in this case and the training programme has already been finalised in collaboration with an Organisation and any modification/interference at this stage will not be in overall public interest. Mr. J.N. Pandey submitted a copy of order passed by Chandigarh Bench of this Tribunal dated 07.10.1996 in O.A.939/PB/96 filed by similar candidates of the Department who were not selected for this training.

4. Mr. S.K.Singh, learned counsel for the applicant, forcefully argued that the applicant fulfills all norms

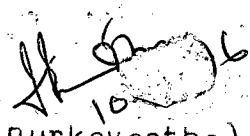
and he being the seniormost and better qualified than the private respondents should have been selected for the training and his non-selection amounts to arbitrariness on the part of the respondents. Since the training at Jabalpur is scheduled to start with effect from 14th instant, the learned counsel urged for issue of interim orders to stay operation of the order contained at Annexure-A/1 or in the alternative, for ordering the applicant also to join the training course at Jabalpur commencing with effect from 14.10.1996 along with ^{Other Selected} incumbents provisionally subject to the decision of this O.A. The learned counsel for the applicant draws our attention to the decision by Ahmedabad Bench of this Tribunal dated 23.1.1995 in O.A. 666 of 1994.

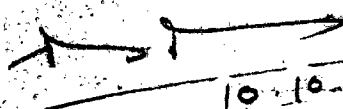
5. We have carefully gone through the above decisions. Considering the submissions of the counsel for the rival parties and after going through the averments on record and the decisions in the two cases, referred to above, and also taking into account that the applicant has approached the Tribunal very late for redressal of his grievances, the selection is already finalised, the training is scheduled to start after three days and any interference will not be in overall public interest, we are not inclined to issue the interim order at this stage as sought for by the learned counsel for the applicant. Even admitting that the applicant is senior to the private respondents but seniority is not the only criteria and after all the final selection has been done by a

Screening Committee in Delhi and no mala fide is alleged. It is not the case that the name of the applicant was not forwarded for consideration by the Screening Committee.

6. On being told that we are not inclined to pass any interim order, as sought for, allowing the applicant to join the training course starting from 14.10.1996 provisionally, pending decision of this case, Mr. S.K. Singh, learned counsel for the applicant, submits that in that case the application itself will become infructuous and he would not be interested to ~~pursue~~ the application.

7. Against this background and with due regard to the overall public interest, the application is not admitted. It is accordingly dismissed.


(D. Purkayastha)
Member (Judicial)


(K.D. Saha)
Member (Administrative)