

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.154/86

Shri Abel Lourenco Dias,
Accounts Clerk,
Accounts Current Section,
Directorate of Accounts,
Panaji - GOA
PIN: 413 001.

.. Applicant

V/s.

1. Director of Accounts,
Directorate of Accounts,
Panaji - GOA.
2. The Chief Secretary,
Govt. of Goa, Daman and Diu,
Secretariat, Panaji - GOA,
PIN - 403 001.
3. Lieutenant Governor,
Goa, Daman and Diu,
CABO - Raj Nivas,
Dona Paula,
GOA.

.. Respondents

Coram: Vice-Chairman B.C.Gadgil
Member P. Srinivasan

Present: Shri R.K.Shetty,
Advocate for Applicant.

Shri J.G.Sawant,
Advocate for Respondents

Order:(P.Srinivasan, Member)

Date: 20-6-1986

The Applicant before us is an Accounts Clerk in the Directorate of Accounts, Panaji. He was promoted as an Accountant on probation in 1980 on condition that he would pass the necessary departmental examination. Under the rules governing the subject, normally 3 chances are allowed to an official to pass the departmental examination and a relaxation is provided to give a 4th chance. Permission to avail further chances is purely a matter of administrative discretion. The applicant failed to clear the examination fully despite being given

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6 chances in all to do so and as a result, he was reverted to his old post of Accounts Clerk in April, 1986. The only plea urged on [redacted] his behalf before us was that he should have been given one more opportunity to clear the examination before being reverted.

It is indeed unfortunate that the applicant's failure to clear the departmental examination was partly due to his own illness and his mother's illness which prevented him from appearing in the examination twice. All the same it is not for us to substitute our discretion for that of the administrative authority to allow him more chances than are allowed in the rules. It has been urged before us that 3 other persons whose names are mentioned on page 12 of the application were given 7 chances and on that ground Shri Shet argued that the applicant should also be given a 7th chance. Shri J.G. Sawant on behalf of the respondent has denied this averment and has stated before us that only one of them, Shri Kamalakant Kossambe was given 6 chances like the applicant and the 2 others were given only 5 chances. As we have mentioned earlier, the granting of additional chances beyond 4 is purely a matter of discretion and even if it had happened that in some cases the administration had given more chances no claim as of right can be founded upon it. However, in the face of the denial by Counsel on behalf of the respondent even this ground does not survive.

In the circumstances we think that this application does not deserve to be admitted. It is therefore summarily rejected.



(B.C.GADGIL)
Vice-Chairman



(P.SRINIVASAN)
Member