

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

Original Application No.388/86.

Shri Vishwanath Vishnu Sawant,
Quarter No.MPT/M/210/1/4,
M.P.T. Colony, Harbour,
Marmagao - GOA.

... Applicant.

V/s.

1. Union of India,
Through
The Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.
2. The Administrator of Goa,
Daman and Diu,
CABO Raj Niwas,
Dona Paula,
Goa.
3. The Director of Transport,
Government of Goa, Daman and Diu,
Junta House, 1st Floor,
Panaji, GOA.

... Respondents.

Coram: Hon'ble Member(A)J.G.Rajadhyaksha,
Hon'ble Member(J)M.B.Mujumdar.

Appearances:

1. Mr.G.R.Nadkarni, Advocate
for the applicant.
2. Mr.M.I.Sethna for the Respondents.
3. Mr.S.M. Dikshit,
Assistant Director of
Transport (Headquarters) Goa.

ORAL JUDGMENT :

(Per J.G. Rajadhyaksha)

Dated: 23-2-1987.

The applicant who is working as Information Assistant in the Department of Information, Government of Goa, Daman and Diu has submitted this application under Section 19 of the Administrative Tribunals Act, on the 27th of October, 1986. His grievance is that though he is fully qualified for the post of Assistant Motor Vehicles Inspector in the Directorate of Transport and

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though he was placed at Sr.2 in the selection list some other person (who incidentally has not been made party to the application viz. Shri S.G. Morajkar) was selected for appointment to this post which was reserved for Scheduled Caste. Later, it came to light that there was a Vigilance Enquiry about selection and Morajkar was found not fully and properly qualified. His services were terminated by the Directorate of Transport and this was communicated by them on 28-7-86 to the Probation Officer in the Directorate of Social Welfare. The Probation Officer in his turn communicated this information to the applicant. It is applicant's claim that he is a graduate, he has driving experience of over 5 years, he underwent an interview and driving test and though better qualified he was placed at Sr.No.2 in the selection list. His further claim is that his appointment should have come automatically on termination of the service Mr.Morajkar who was at Sr.No.1.

2. Respondents have filed a reply and the important points they make are that as there was only one vacancy Mr.Morajkar was selected and there was no question of there being a select list and applicant being placed at Sr.No.2 therein. Secondly, they also say that the applicant was not found suitable in interview and driving test, and it is for this reason that he was not selected.

3. As for ^{the} ~~his~~ applicant's grievance that the same Mr.Morajkar is again being considered for selection though he was once subjected to termination of service being not properly qualified, the reply suggests that he is not being considered for a reserved vacancy. What is advertised as a general vacancy.

This was with reference to the interview fixed on 7-11-86 which was challenged by the applicant. The department admits that they have asked the Employment Exchange to give a fresh list of Schedule Caste candidates as well. Decision on date of interview for the post reserved for Schedule Caste is yet to be taken.

4. We have seen the proceedings of the Departmental Selection Committee produced by Mr. Dikshit of the Directorate of Transport. The committee which met on 30-3-85 had considered 3 candidates viz. S/Shri Shamsunder G. Morajkar, V.V. Sawant, (the present applicant) and L. Kenavdekar. The candidates were subjected to practical tests as well as interview. The marks obtained by the applicant in interview were 8/25 and in the driving test 7/25 whereas the marks obtained by Morajkar had been considerably better than him. We need not give the details. In view of the statement that the applicant was not found suitable as also in view of the statement that there was no select list as such we do not find any reason to believe that there was in fact a select list or a panel and that applicant was placed at Sr.No.2 in that list. We do not also find any substance in the contention that on termination of service of Morajkar the applicant should have automatically been posted as Assistant Motor Vehicle Inspector in the Directorate of Transport, since we find that he never was in any panel as such.

5. In the circumstances the application fails.

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The application is dismissed, but we pass no orders
as to costs.

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(J.G. RAJADHYAKSHA)
MEMBER (A)

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(M.B. MUJUMDAR)
MEMBER (J)