

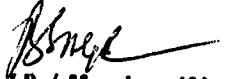
CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

OPEN COURT / PRE DELIVERY JUDGMENT IN OA

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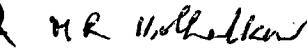
Hon'ble Vice Chairman / Member (J) / Member (A)
may kindly see the above Judgment for
approval / signature.


V.C. / Member (J) / Member (A) (K/S)

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)


M.R. Marshall

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 797/89

Transfer Application No:

DATE OF DECISION: 25.1.95

Chandrakant Govindrao Talekar Petitioner
and others.

Advocate for the Petitioners

Versus

Union of India through Respondent
General Manager, Bombay and 9 others

Shri A.L. Kasturey. Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?

B.S. Hegde
(B.S. Hegde)
Member (J)

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 797/89

Chandrakant Govindrao Talekar

Hiralal Jinabhai Rana

Harishchandra Moreshwar Patil.

... Applicants.

V/s.

Union of India through
the General Manager,
Western Railway
Churchgate, Bombay and 9 others.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

None for the applicant.

Shri A.L. Kasturey, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 25.1.95

¶ Per Shri B.S. Hegde, Member (J) ¶

The applicants in this O.A. have sought for quashing of the selection list prepared by the respondents on 31.3.89.

2. The applicant joined as Junior Clerk in 1957, he was promoted as Senior Clerk in 1969 and thereafter promoted as Head Clerk in 1985. He was further promoted to the post of Chief Clerk, which is a selection post, on ad-hoc basis, from 1988 onwards. The respondents vide their notification dated 20.4.89, published select list for 54 vacancies of Chief Clerks, who are otherwise eligible. The three applicants however failed in their written test as well as viva-voce test. However pursuant to the O.M. dated 5.12.84 that even if the candidate fails in the written test they can appear for viva-voce test on the basis of seniority. The

learned counsel for the applicant submits that applicant No.1 and 2 have not got the minimum required percentage as required.

Para 216 - Procedure to be adopted by Selection Board.

(e) Selection should be made primarily on the basis of overall merit, but for the guidance of selection boards the factors to be taken into account and their relative weight are laid down below:

		Maximum marks.	Qualifying marks.
(i)	Profesional ability	50	30
(ii)	Personality address leadership & academic/ technical qualifica- tion.	25	-
(iii)	Record of service	25	-

Note: 1 The item "Record of service" should also be taken into consideration "Seniority" of the employees but no separate allotment of marks need to be made on this account.

2. Candidates must obtain a minimum of 30 marks in professional ability and 60% marks on the aggregate for being placed on the panel.

(f) The importance of an adequate standard of professional ability and capacity to do the job must be kept in mind and a candidate who does not secure 60% marks in professional ability should not be placed on the panel even if on the total marks secured, he qualified for a place. Good work and a sence of public duty among the conscientious staff should be recognised by awarding more marks both the record of service and for professional ability.

The names of selected candidates should be arranged in order of seniority but those securing total of more than 75% marks will be called as " Outstanding" and will be placed at the top of the list, in order of their seniority.

3. The learned counsel for the respondents, submits that applicant Nos 1 and 2 ~~have~~ already retired from service. He is not certain whether applicant No.3 is retired or not. None appeared for the applicant. In the light of the above the short question is whether there is any justification in quashing the selection made by the respondents as back as 1989. In the facts and circumstances of the case since the applicants were admittedly not passed both the written test as well as the viva-voce test, the question of seeking for quashing the selection list prepared by the respondents in accordance with rules does not arise.

4. In the light of the above we are of the view that there is no merit in the O.A. the same is dismissed.

M.R.Kolhatkar

(M.R.Kolhatkar)
Member (A)

B.S.Hegde

(B.S. Hegde)
Member (J)

NS