

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.607/1996.

Tuesday, this the 6th day of February, 2001.

Coram: Hon'ble Shri S.K.I.Naqvi, Member (J),  
Hon'ble Smt. Shanta Shastry, Member (A)

M.J.Wasnik,  
Telecom Assistant (Cashier),  
O/o. Telegraph Office, D.T.O.,  
Bhandara - 441 004.  
(By Advocate Shri S.S.Karkera)

...Applicant.

Vs.

1. Union of India through  
the Director General,  
Department of Telecommunications,  
Sanchar Bhavan,  
New Delhi.
2. The Chief General Manager,  
Maharashtra Telecom Circle,  
2nd Floor, G.P.O.,  
Bombay - 400 001.
3. Shri G.N.Dubey,
4. Shri A.G.Ramteke,  
Asstt. (JTO), CTO,  
Mumbai - 400 001.
5. Shri G.M.Ganvir,  
Asstt. (JTO),  
O/o. General Manager,  
Telecom,  
Nanded - 431 601.
6. Shri S.R.Ram,  
Asstt. (JTO), CTOM  
Mumbai - 400 001.  
(By Advocate Shri V.S.Masurkar)

...Respondents.

: O R D E R (ORAL) :

{Per Smt. Shanta Shastry, Member (A)}

The Applicant, a Telecom Assistant (Cashier) in the Office of Telegraph Office, D.T.O., Bhandara under the Maharashtra Telecom Circle and belonging to SC community appeared for a Departmental Competitive Examination for promotion to the cadre of Telegraph Traffic Supervisor Group 'C' in March, 1990. The

result of the examination was declared in July, 1992. The Applicant could not succeed in the examination. In all, there were four posts for SC and five posts for ST candidates ~~were~~ reserved. As none of the candidates belonging to SC/ST communities qualified in the examination, the posts remained unfilled. Therefore, a review of the result of the failed SC/ST candidates was carried out by an High Power Committee of the Maharashtra Telecom Circle in May, 1995 by granting grace marks as permissible. Again, the Applicant could not find a place in the supplementary list also. His representation was also rejected by this Circle. ~~His representation was also rejected by this Circle.~~ He preferred further representation on 28.2.1995 and also moved an application viz. OA 413/95 in this Tribunal. The Tribunal vide its Judgment dt. 2.6.1995 directed the Respondents to decide the Appeal dt. 28.2.1995 within two months. Accordingly, the Respondents considered the aforesaid representation, while doing so the Respondents in particular took note of two points which had been raised by the Applicant viz. that the Annual Confidential Reports for five years prior to the examination should have been scrutinised and <sup>that</sup> the Applicant had secured more marks than those who had been declared successful in the supplementary list of SC candidates. On examination, it was found that the Confidential Reports of the Applicant for five years prior to the examination had been duly considered and also his assertion that he had got higher marks than those declared failed in the supplementary list was not correct. Accordingly, the representation was rejected.

2. The Applicant has now approached this Tribunal through the

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present OA with a prayer to quash and set aside the impugned orders dt. 11.1.1995, 7.2.1995 and 7.8.1995 and also to call for the Confidential Reports and records of Review DPC and to direct the Respondents to hold a Review DPC and assess the case of the Applicant as per law and grant all consequential benefits with costs.

3. It is the contention of the Applicant that according to him he had been awarded censure and may be there were adverse entries in his Confidential Reports which have been taken into account without communicating the same to the Applicant and therefore, he might have been declared unfit. Further, the Applicant also had raised some other points in his representation which were not considered by the Respondents. The Learned Counsel for the Applicant insisted that the Applicant's record should be seen.

4. The Learned Counsel for the Respondents submitted that the Applicant's case was reviewed as per the directions given by this Tribunal in the earlier OA viz. 413/95 filed by the Applicant. Therefore, since the Respondents had complied with the directions of the Tribunal and have taken a decision, the Applicant now, cannot challenge anything except to challenge the decision taken vide the impugned order dt. 7.8.1995. The Applicant has not challenged the legality of the Order dt. 7.8.1995 and therefore, the Application deserves to be dismissed. On merits also, the Applicant's case was considered thoroughly. His Confidential Reports for all the five years were taken into consideration, but he was found unfit. In terms of marks also, he had secured less number of marks as compared to the four other

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SC candidates who were selected against the SC vacancies vide the impugned order\$ dt. 11.1.1995. Therefore, there is no merit in the OA.

5. We have heard the Learned Counsel for the Applicant, as well as, the Respondents. The Respondents also produced the record relating to Review DPC held by the Respondents, we have perused the same. We find that the Applicant was found unfit though there were no adverse entries in the Confidential Reports, yet he could not make good the grade to be considered fit. As regards the marks, they are much lower compared to the other candidates who were selected from amongst the failed SC candidates. Even if the Applicant had been granted grace marks, he still would not have been in the selection list owing to less number of marks secured by him. As rightly pointed out by the Learned Counsel for the Respondents, this Application should be confined only to the question as to whether the Respondents had complied with the directions given by the Tribunal earlier in OA 413/1995. The Respondents have complied with the directions by scrutinising and considering the case of the Applicant. Therefore, there should be no grudge. We <sup>have</sup> ~~are~~ also now satisfied ourselves after seeing the records pertaining to the Review DPC that the Applicant has no case. His case was considered in a fair manner. In the facts and circumstances of the case, the OA is dismissed. No costs.

*Shanta Shastri*

(SHANTA SHASTRY)  
MEMBER(A)

*S.K.I. Naqvi*

(S.K.I. NAQVI)  
MEMBER(J)

B.