

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO: 768/99

DATE OF DECISION: 05/02/2001

Shri Prashant Dhanaji Jadhav

Applicants

Shri M.R.Deshpande

-----Advocate for  
Applicant.

Versus

Union of India & 3 Ors

-----Respondents.

Shri V.G.Rege

-----Advocate for  
Respondents.

CORAM:

Hon'ble Shri S.K.I.Naqvi, Member(J)

Hon'ble Smt. Shanta Shastry Member(A)

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

*Shanta Shastry*  
(SHANTA SHASTRY)  
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:768/1999  
DATED THE 5th DAY OF FEB, 2001

CORAM:HON'BLE SHRI S.K.I.NAQVI, MEMBER(J)  
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Prashant Dhanaji Jadhav,  
Block No.13, Room No.103,  
IInd Type 'A', Nehru Nagar,  
Nasik Road, Nasik 422 101.

... Applicant

By Advocate Shri M.R.Deshpande

V/s.

1. The General Manager,  
India Security Press,  
Nasik Road, Nasik 422 101.
2. The Administrative Officer-II,  
India Security Press,  
Nasik Road, Nasik 422 101.
3. Shri R.G.Bilade,  
Token No.207, Senior Artist,  
Studio Section,  
C/o.The General Manager,  
India Security Press,  
Nasik Road, Nasik 422 101
4. The Union of India,  
Through Secretary,  
Ministry of Finance,  
New Delhi.

... Respondents

By Advocate Shri V.G.Rege

(ORDER)

Per Smt.Shanta Shastry, Member(A)

The applicant has challenged the selection to the post of Senior Artist in the Studio of ISP in the grade of 4500-7000 and has prayed that applicant should be appointed to the said post and also to set aside the appointment of Respondent No.3 i.e. Shri R.G.Bilade against the said post.

2. The applicant has been working as Assistant Machine Operator in C-3 Grade in the ISP in the Envelope Section. The respondents published a notice for filling the post of Sr.Artist

...2.

in the Studio Section which had fallen vacant. The applicant also applied for the post alongwith several other candidates. The written examination was held. Twelve candidates were recommended by the local Employment Exchange and seven candidates were departmental candidates including the applicant. Fifteen candidates were found eligible for appearing for the test which was held on 4th and 5th January, 1999. Five candidates were found qualified and the interview was held on 15/4/99. Respondent No.3 was selected. The applicant could not get through the interview.

3. It is the grievance of the applicant that the recruitment rules for the post provides for the post to be filled first by promotion failing which by direct recruitment. The applicant belonging to Scheduled Caste is fully qualified and has a very good academic record. Even though the applicant was eligible for the promotion, the respondents resorted to direct recruitment instead of promotion. Another grievance of the applicant is that Respondent No.3 is related to one of the Members of the Committee i.e. Respondent No.2 and therefore the selection of Respondent No.3 and the appointment thereafter needs to be set aside.

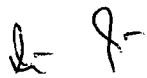
4. The learned counsel for the respondents submits that as far as the promotion is concerned, no one was eligible at the time of the recruitment. No one holding the post of Artist Class-I of the Studio Section of ISP was fulfilling the eligibility condition prescribed by Recruitment Rules and therefore the respondents had to decide to fill the post through open selection through direct recruitment and that is why the requisition was sent to Central Employment Exchange as well as local Employment Exchange and applications were called for. The

applicant being otherwise qualified was also included amongst the eligible candidates for the written test. The applicant appeared for the test and qualified for the viva voce. In the Interview, Respondent No.3 came to be selected on merit. The applicant was lower down in the merit list at No.5 amongst five candidates who had qualified in the written test and therefore respondent no.3 was selected.

5. The learned counsel for the respondents also submits though the respondent no.3 is related to the respondent no.2, at the time of the interview, respondent no.2 was not on the interview panel and therefore no favouritism can be attributed to respondent no.3 in this case.

6. We have heard both learned counsel for the applicant and the respondents. It is very clear that there was no one who was eligible for promotion from the feeder cadre of Artist Class-I, Studio Section. The applicant belongs to envelope section. Respondents therefore decided to go in for direct recruitment. The applicant was given an opportunity to appear in the written test. Now the applicant cannot make a grievance that the respondents did not go in for first preference of promotion and went in for direct recruitment. He is estopped from saying so. Further, the respondent no.3 on his own merit was graded higher than the applicant in the interview. Therefore we do not find any infirmity in the selection procedure. The applicants merit was comparatively lower. We cannot therefore find any fault with the selection.

7. The application is devoid of merit and hence dismissed.  
No costs.

  
(SHANTA SHASTRY)  
MEMBER(A)

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