

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

• ORIGINAL APPLICATION NO. : 504/2000

Date of Decision : 18.06.03

C.S.Patel

Applicant

Shri I.J.Naik

Advocate for the  
Applicant.

VERSUS

Union of India & Ors.

Respondents

Shri R.K.Shetty

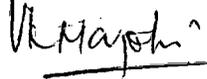
Advocate for the  
Respondents

CORAM :

The Hon'ble Shri V.K.Majotra, Member (A)

The Hon'ble Shri Shanker Raju, Member (J)

- (i) To be referred to the reporter or not ?
- (ii) Whether it needs to be circulated to other   
Benches of the Tribunal ?
- (iii) Library

  
(V.K.MAJOTRA)  
MEMBER (A)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.504/2000

Dated this the 18<sup>th</sup> day of June 2003.

CORAM : Hon'ble Shri V.K.Majotra, Member (A)

Hon'ble Shri Shanker Raju, Member (J)

Chandrakant S.Patel,  
X-Ray Technician,  
R/at Silvassa.

...Applicant

By Advocate Shri I.J.Naik

vs.

1. Union of India  
through the Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.

2. The Administrator,  
Union Territory of Daman  
& Diu and Dadra & Nagar  
Haveli, Silvassa.

3. The Collector,  
Union Territory of Dadra  
and Nagar Haveli,  
Silvassa.

...Respondents

By Advocate Shri R.K.Shetty

ORDER (ORAL)<sup>✓</sup>

{Per : Shri V.K.Majotra, Member (A)}

Applicant is aggrieved that respondents have not regularised the appointment of the applicant in the post of X-Ray Technician. He has also made this application against the appointment of an outsider nullifying his selection.

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..2/-

2. According to the applicant, he was appointed as a Dresser on 1.2.1983 in I.T.I. Silvassa. He was later on transferred in the post of X-Ray Technician on 30.4.1997. On 20.10.1998, the first Advertisement was published to select a candidate for the post of X-Ray Technician under Respondent No.3, Chief Medical Officer. Interviews in this regard were held on 9.11.1998 but no appointment was made. On 5.2.2000 the second Advertisement (Annexure-'A-2') was published for the same purpose holding interviews on 11.4.2000. According to the learned counsel of the applicant, although the applicant is fully qualified for the post of X-Ray Technician and has worked on the same post for 34 months, he has not been selected though he has participated in the interview.

3. Learned counsel of the respondents, on the other hand, contended that the applicant is not eligible as he does not possess the requisite qualification of Diploma Course of X-Ray Cardiology which is recognised by Delhi Government or AICTE (Exh. 'R-6') dated 20.9.2000. He further stated that applicant's Diploma is not recognised by Union Territory of Dadra & Nagar Haveli, Silvassa. Learned counsel also produced the record of persons selected in question in which Desai Tushar Kumar and Jashvant Rai and George Cherian have been selected and candidature of applicant has been rejected on merit. We find that respondents have allowed the applicant to participate in selection considering him as eligible candidate. It means that applicant was held to be qualified for the post in question.

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Qualifications prescribed under the Rules are as follows :-

"Diploma in X-Ray Technology with two years practical experience or S.S.C./Matriculate with experience as X-Ray Assistant in hospital for atleast 5 years."

Applicant has not been able to show that Diploma possessed by him has been approved by AICTE or recognised by Union Territory of Dadra and Nagar Haveli. However, he certainly possesses the alternative qualification of Matriculate with experience as X-Ray Assistant. In any case, respondents had allowed the applicant to take part in the selection.

4. As regards the selection of Shri Tushar desai and George Cherian, the matter has been examined in another matter, namely, OA.No.538/2000 decided on 11.6.2003 Ashok U.Patel vs. Union of India & Ors. in which the following was held :-

"From amongst the selected candidates only George Cherian has the prescribed qualification and experience. The second selected candidate Shri Tushar Desai has the prescribed qualification but not the prescribed experience of 5 years. However, while he has more experience than the applicant though both of them fall short of the experience, we will not go into the question of correctness of selection of Shri Tushar Desai as he has not been impleaded as a party in the present OA."



..4/-

Qualifications prescribed under the Rules are as follows :-

"Diploma in X-Ray Technology with two years practical experience or S.S.C. Matriculate with experience as X-Ray Assistant in hospital for atleast 5 years."

Applicant has not been able to show that Diploma possessed by him has been approved by AICTE or recognised by Union Territory of Dabra and Nagar Haveli. However, he certainly possesses the alternative qualification of Matriculate with experience as X-Ray Assistant. In any case, respondents had allowed the applicant to take part in the selection.

4. As regards the selection of Shri Tushar Desai and George Chertan, the matter has been examined in another matter, namely, OA.No.538/2000 decided on 11.6.2003 Ashok U.Patel vs. Union of India & Ors. in which the following was held :-

"From amongst the selected candidates only George Chertan has the prescribed qualification and experience. The second selected candidate Shri Tushar Desai has the prescribed qualification but not the prescribed experience of 5 years. However, while he has more experience than the applicant though both of them fall short of the experience, we will not go into the question of correctness of selection of Shri Tushar Desai as he has not been impeached as a party in the present OA."

5. Having regard to the facts and circumstances of the case, and also the fact that the respondents have already selected a candidate who does not have 5 years prescribed experience, we are of the considered view that respondents should in the interest of justice consider the candidature of the applicant also for an appointment on the post of X-Ray Technician as and when the second next regular vacancy occurs and also considering the applicant's case for age relaxation taking into cognizance his experience under the respondents. Ordered accordingly. No costs.

*S. Rajm*  
(SHANKER RAJU)  
MEMBER (J)

*V.K. Majotra*  
(V.K. MAJOTRA)  
MEMBER (A)

mrj.