

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.57/2001.

Wednesday, this the 29th day of August, 2001.

Hon'ble Shri Justice Ashok Agarwal, Chairman,
Hon'ble Smt. Shanta Shastry, Member (A).

Captain S.K.Mishra,
B-2, 6-2, Vighnahar,
Sector - 21,
Nerul,
Navi Mumbai - 400 506.
(By Advocate Shri Suresh Kumar)

v.

- 1) The Secretary,
Union Public Service Commission,
Dholpur House,
Shahajahan Road,
New Delhi.
- 2) Directorate General of Shipping,
Jahaz Bhavan,
Walchand Hirachand Marg,
Mumbai - 400 0381.
- 3) Union of India through Secretary,
Ministry of Surface Transport,
Transport Bhavan,
New Delhi - 110 001.
(By Advocate Shri R.R.Shetty)

: O R D E R (ORAL) :

Smt. Shanta Shastry, Member (A).

The applicant is aggrieved that he was not called for interview for the post of Nautical Surveyor in the Directorate General of Shipping/Mercantile Marine Department, even though he fulfilled the requisite qualifications.

2. A requisition was sent to the Union Public Service Commission (UPSC) by the Directorate General of Shipping, Mumbai for advertising recruitment of four Nautical Surveyors in the aforesaid Directorate on 11.12.1999 with closing date as 10.2.2000. Of the four posts, one post each had been reserved for ST and OBC and the remaining two posts were reserved for

General category. The essential qualification prescribed was a certificate of competency and 5 years' service at Sea as Deck Officer of which one year must have been in the capacity of a Chief Officer on a foreign going ship. In response to the said advertisement, the UPSC received 72 applications. No ST candidate had applied and 5 OBC candidates had applied for one post reserved for OBC. All those who possessed the essential qualifications were called for interview. The Commission short listed the candidates following the criteria that candidates having essential qualification (A) plus six years experience as per essential qualification (B) after acquiring of essential qualification (A), the applicant was not short listed because at that relevant time the applicant did not possess the requisite qualification.

3. The Learned Counsel for the applicant submits that he did have six years experience after acquiring essential qualifications. He has brought to our notice the document at page 21 of the OA which is a copy of the Part - II detailed particulars of the applicant which was submitted along with the application. Against Item No.5, the date of 1st September, 1992 is shown as the date of declaration of the result of essential qualification (1) and essential qualification (2). If this date is taken into consideration, then as on the date of advertisement according to the applicant he possessed six years experience after acquiring the essential qualifications. The applicant therefore, prays that he should have been short listed for the interview to be held for the post of Nautical Surveyor.

4. The Learned Counsel for the Respondents, however, opposed

the same and relied on the same statement at page 21 of the OA pointing out that as per item 8 giving details of employment in chronological order in the 4th and 5th columns wherein the exact dates are given, It is seen therefrom that the applicant has put in only three years and 2 months of service after acquiring the essential qualifications, it has been shown against the date of 15.3.1993 to 17.4.1993 ^{that} he was on contract as Chief Officer. Further, at the bottom of column 3, it is shown that the applicant was working as Nautical Surveyor only on ad-hoc basis from 13.4.1999 till 10.2.2000. For the purposes of short listing the ad-hoc service is not to be considered. This averment has been made by the UPSC in their written statement. Considering this, it is very clear that the applicant did not possess six years experience after acquiring the essential qualifications. This being so, according to the respondents the applicant was rightly not short listed.

5. We have carefully considered the contentions of both the applicant, as well as, the Respondents and find that the respondents were justified in not short listing the applicant for the interview for the post of Nautical Surveyor. The application being devoid of merit, the same is dismissed. No order as to costs.

Shanta S

(SHANTA SHASTRY)
MEMBER(A)

B.

Ashok Agarwal
(ASHOK AGARWAL)
CHAIRMAN