

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 23rd OCTOBER 1986

Present : Honourable Justice K.S. Puttaswamy - Vice Chairman
Honourable Shri L.H.A. Rego - Member

Application No. 183/86 (T)

Abdul Kareem
S/o Abdul Lateef
Token No. 52 - Wood Turner
Aeronautical Development Estb.
High Grounds
Bangalore 560 001

- Applicant

(By Shri M.S. Ananda Ram, Advocate)

1. The Union of India
represented by The Ministry of Defence,
New Delhi
2. The Scientific Adviser,
Ministry of Defence, and
Director General of Research and
Development Organisation,
'H' Block, D.A.H. Post,
New Delhi 110 011
3. The Director,
Aeronautical Development Establishment
High Grounds, Bangalore 560 001
4. Sri M. Arokyaswamy
Precision Mechanic
Aeronautical Development Establishment,
High Grounds, Bangalore 560 001
5. Sri D. Vittalachari
Precision Mechanic
Aeronautical Development Establishment
High Grounds, Bangalore 560 001

- Respondents

(By Sri M.S. Padmarajaiah, Senior Standing Counsel for the
Central Government)

The application has come up for hearing before
the Tribunal today, Vice Chairman made the following

O R D E R

..In this

In this transferred application received from the High Court of Karnataka, the applicant while challenging the order dated 19.4.79 (Annexure G) of the Senior Administrative Officer I (S.A.O.) appointing respondents 4 & 5 as 'Precision Mechanics' on a temporary basis, has sought for a direction to the respondents 1 & 3 to appoint him to that post and restore his seniority over respondents 4 & 5.

2. The applicant and respondents 4 & 5 initially joined service as Carpenter III on different dates. All of them made further advances in their career and we are not concerned with all those details.

3. While the applicant was promoted as a Pattern Maker/Wood Turner on 8-11-73, respondents 4 & 5 were promoted to the said posts on 8.2.77 and 21.7.77 respectively.

4. The Post of Wood Turner is immediately lower to the post of Precision Maker and recruitment to the said posts is governed by the Defence Research & Development Organisation, Ministry of Defence (Group C & Group D) (Industrial Posts) Recruitment Rules 1971 (Rules). Rule 6 of the Rules empowers Government to relax the requirements of the Rules in specified cases.

5. At the material time there were two vacancies of Precision Mechanics in the Aeronautical Development Establishment, Bangalore (ADE) and the ADE found that there were no suitable candidates to be appointed by direct recruitment to the said posts. Hence ADE called for applications on 29.4.78 (Annexure C)

...for

for recruitment to the said posts from in-service candidates. In response to the same the applicant did not make his application and respondents 4 & 5 made their applications. But still the applicant was also called for interview by the Selection Committee on 17.5.78. On that day the applicant and respondents 4 & 5 appeared for interview before the selection committee which on an evaluation of their performance, selected respondents 4 & 5 to the posts of Precision Mechanic and have been appointed as Precision Mechanics on 19-4-1979.

6. The applicant has challenged his non-selection and the selection of respondents 4 & 5 on a large number of grounds. In their statement of objections filed before the High Court, respondents 1 to 3 have justified their actions.

7. Shri M.S. Ananda Ramu, learned counsel for the applicant strenuously contends that the authorities were "hell bent" in selecting respondents 4 & 5 for which purpose they deputed them for training in F.R.P. without extending a similar benefit and treatment to his client and the same was illegal, improper and unjust and calls for remedy by this Tribunal.

8. Shri M.S. Padmarajaiah, learned senior standing counsel for the Central Government appearing for respondents 1 to 3 contends that the applicant who did not apply for the post had no right or had lost all his rights to challenge the selection of respondents 4 & 5. In their objections filed, respondents 1 to 3

...have

asserted that the applicant did not make an application for selection at all, which fact we should normally accept even without a further investigation. Shri Padmarajaiah has also produced the relevant records which shows that the applicant did not make an application to the advertised posts at all. We therefore hold that the applicant did not make his application in response to the relevant advertisement.

9. On our earlier finding it follows that the applicant had lost all his rights for selection. The fact that the applicant was unnecessarily called for interview does not really make any difference to uphold the legal objection raised by Shri Padmarajaiah. On this short ground, the grievances of the applicant cannot be upheld by us. In this view, unnecessary to examine all other grounds urged by the applicant against his non-selection and the selection of respondents 4 & 5.

10. Before partaking with this case it is relevant to notice that the applicant has also been promoted as a Precision Mechanic with effect from 10.1.80. We are of the view that on this ground also we should decline to interfere with the action of the authorities.

11. On the foregoing discussion we hold that this

...application