

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 5TH SEPTEMBER, 1986

Present: Justice K.S. Puttaswamy  
Shri P.Srinivasan

Vice-Chairman  
Member(A)

Application No. 228/86(T)

Y.S. Raghavendra Rao,  
Draughtsman/Process Planner,  
No. 7125480,  
Methods Engineering Dept.,  
515 Army Base Workshop, EME,  
Bangalore - 8.

..... Applicant

(Shri Ranganath Jois .... Advocate)

Vs.

1. Union of India by its  
Secretary, Ministry of Defence,  
New Delhi-1.

2. The Commandant,  
515 Army Base Workshop,  
EME,  
Bangalore-8.

3. Shri G.Radhakrishna  
4. Shri Ramakrishna Murthy

Majors,  
Draughtsmen,  
No. 515 EME  
Army Base  
Workshop,  
Bangalore 8.

5. The Major,  
Administrative Officer,  
515 Army Base Workshop,  
Bangalore-8.

... Respondents

(Shri M.S.Padmarajaiah .... Advocate)

The application has come up for hearing  
before Court today. Vice-Chairman made the  
following:

O R D E R

In this transferred application from the  
High Court of Karnataka, the applicant, has  
challenged his non-selection to the post of

Senior Chargeman Part II and the selection of Respondents 3 and 4 to the said post.

In accordance with the Corp of Electrical and Mechanical Engineers Recruitment (Rules) framed by the President of India under the proviso to Article 309 of the Constitution, the competent authority called for applications for filling up the posts of Senior Chargeman Part II in its notification dated 8.8.78 (Annexure-B).

In response to the said notification, the applicant, respondent no. 3 and 4 and several others applied for selection. On a consideration of the qualifications prescribed for the post, the selection authority found that the applicant did not have the requisite one year's experience in the appropriate field and rejected his application and selected Respondents 3 and 4, who were found to be eligible and suitable to the posts. Hence this application.

The applicant has urged that he had the necessary eligibility for selection to the post and his non-selection and the selection of Respondents 3 and 4, who did not fare better than him, was illegal.

In justification of the non-selection of the applicant and the selection of respondents 3 and 4, respondents 1, 2 and 5 had filed their statement of objections before the High Court of Karnataka which has to be treated as their reply

before this Tribunal. In their reply, these respondents have asserted that the applicant did not possess the necessary one year's experience prescribed by the rules and therefore, he was not selected to the post.

Shri Ranganath Jois, learned Counsel for the applicant, strenuously contends that his client had the necessary eligibility under the rules and having regard to his superior performance at the interview, the applicant should have been selected to the post in preference to either of Respondents 3 and 4.

Shri M.S. Padmarajaiah, learned Senior Standing Counsel appearing for respondents 1,2 and 5 refuting the contention of Shri Jois, contends that the applicant did not have the necessary eligibility prescribed by the rules and his non-selection is legal and valid.

In their reply, the Respondents 1,2 and 5 have asserted that the applicant did not have one year's experience prescribed by the rules for the advertised post. The rules required one year's experience in the appropriate field. In rejecting the application of the applicant, the authority has found that the applicant had only  $2\frac{1}{2}$  months' experience in the appropriate field and not the minimum one year's experience in the appropriate field. Shri Padmarajaiah has also placed before us the original records of the selection, which show

that the applicant had only 2½ months experience in the appropriate field.

Even though the applicant had asserted that he had more than one year's experience in the appropriate field, he has not produced any evidence in support of the same. We are of the view that the bare assertion of the applicant that he had more than one year's experience, cannot displace the clear finding recorded by the selection authority and that of respondents 1, 2 and 5. We need hardly say that the opinion of the selection authority, which is not tainted by any malafides, cannot be doubted by us. From this, it follows that the applicant had not the necessary eligibility prescribed for the post.

When once the selection committee found the applicant did not have the necessary eligibility the question of his selection to the post does not at all arise. We are also satisfied that the respondents 3 and 4 who had the necessary eligibility for the post, have been duly considered and selected having regard to their performance at the interview. We do not find any illegality in the selection of respondents 3 and 4.

On the foregoing discussion, we hold that there is no merit in the claim made by the applicant and this application is liable to be

dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear the costs.

M.B. Bhakta

Vice-Chairman

P.S. - K

Member(A)