

(S)

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
(CAMP: NAGPUR)

---

Original Application No: 1301/92

Transfer Application No:

DATE OF DECISION: 27-4-95

Shri P.B.Gaikwad

Petitioner

in person

Advocate for the Petitioners

Versus

---

Union of India

Respondent

Shri R.P.Darda

Advocate for the Respondent(s)

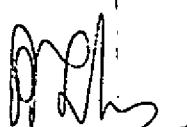
CORAM :

---

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman.

The Hon'ble Shri P.P.Srivastava, Member(A)

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

  
(P.P.SRIVASTAVA)  
MEMBER(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH CAMP AT NAGPUR.

ORIGINAL APPLICATION NO:1301/92.

Shri P.B.Gaikwad

... Applicant.

V/s.

Union of India and Others

... Respondents.

CORAM: Hon'ble Shri Justice M.S.Deshpande, Vice Chairman.

Hon'ble Shri P.P.Srivastava, Member(A).

APPEARANCES:

Applicant in person.

Shri R.P.Darda, Counsel  
for Respondents.

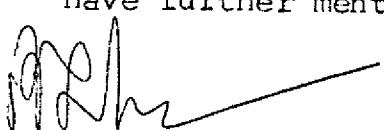
JUDGEMENT:

DATED : 27th April 94

( Per Shri P.P.Srivastava, Member(A) )

The applicant was appointed in 1976 as a Messenger Boy and subsequently he was promoted as Record Supplier in 1981. The next channel of promotion for the Record Supplier is to the post of LDC and the applicant has mentioned that he was called for the written test in 1979 for the post of checker/LDC but had failed in the interview. The Applicant has further mentioned that he was again called for test of LDC but was not selected in the selection held on 29/11/91. He has sought his relief through this OA that both the selections for the post of checker/LDC held on 24/3/79 and 29/11/91 be quashed and that the applicant be promoted as LDC from the date his juniors were promoted with all consequential benefits. The Applicant has also mentioned that he belongs to Scheduled Caste as well as he is a Graduate and well qualified and has been deliberately failed in the interview.

2. The respondents have mentioned that the post of LDC is to be filled in by Competitive Departmental Test among educationally qualified employees with 5 years of service in the grade of class-IV staff. The Respondents have further mentioned that the applicant appeared for

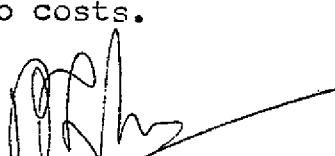


the written test held on 23/3/79 alongwith other departmental candidates. However, he did not pass in the written test. The Respondents have further brought out in their Sur Rejoinder that the applicant appeared for written test for the post of LDC again and interview ~~again~~ <sup>held</sup> on 9/12/91 and 5/2/92. However, he did not qualify and was not found suitable for the post of LDC. The written test and the interview was held through a competitive test in terms of SRO-14, E and SRO-149. The test was correctly held according to the instructions.

3. The respondents have produced original records of selection for the post of LDC held on 20/8/91. From the original record it is seen that Shri Gaikwad whose name is appearing at Sr.No.8 in the list for the written test and interview held on 9/12/91 and 5/2/92 has been shown as disqualified as he has received only 83 marks while pass mark for Scheduled Caste and Scheduled Tribe has been shown as 88.

4. In view of the record of the selection held for the LDC, we are of the opinion that applicant has no merit in his case for being declared as passed in the selection held on 9/12/91 and 5/2/92 which he has challenged. There is no infirmity in the selection held on 9/12/91 and 5/2/92 which would warrant intervention. As far as the selection for 1979 is concerned, the matter is too old and time barred and cannot be challenged at this late stage.

5. In the result, we find no merit in the OA and the same is dismissed. There will be no order as to costs.

  
(P.P. SRIVASTAVA)  
MEMBER (A)

  
(M.S. DESHPANDE)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

R.P.NO. (N) 15/95

in

OA.NO. 1301/92

Shri Premraj Baliram Gaikwad

... Applicant

v/s.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri P.P.Srivastava

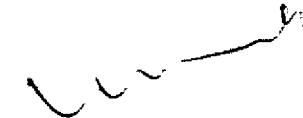
Tribunal's Order by Circulation

Dated: 12/10/95

(PER: P.P.Srivastava, Member (A))

The applicant in this review petition has put forward substantially the same arguments which have been put-forth at the time of hearing of the OA. The applicant has also not brought out any error apparent on the face of the record. We, therefore, do not see any reason to review the order which has already been passed in the Original Application. The review petition is, therefore, dismissed in-remini.

  
(P.P.SRIVASTAVA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

mrj.