

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 15 NOV 1994

APPLICATION NO: 514 of 1994

APPLICANTS:- U. R. Sampigaiyah
v/s.

RESPONDENTS:- Seey, S/o Post, N. Delhi & Sons.

1. Shri. M. R. Acher
Advocate
1074, 11th Main, 4th cross,
Srinivasa Nagar,
Bangalore - 50

2. Shri. M. S. Padmajaiah
Sr. C. G. S. C.
High Court Bldg,
Bangalore - 1

3. Shri. S. K. Mohiyuddin
Advocate
No. 11, Teeram Bldgs,
Kumara Park East,
Bangalore - 1

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 15 November 1994

Issued on
16/11/94

of for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO. 514/94

MONDAY, THE SEVENTH DAY OF NOVEMBER, 1994

Shri A.N.Vujjanaradhya, Member (J)

Shri T.V.Ramanan, Member (A)

U.R.Sampigaiah,
S/o Ramaiah, Major,
Krishna Nayak Building,
Janatha Colony,
Virobha Nagar,
Bangalore-560 049. Applicant

Advocate by Shri M.R.Achar.

Versus

1. The Union of India
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi.

2. The Superintendent of Post Office,
Bangalore East Division,
Bangalore.

3. The Assistant Superintendent
of Post Offices,
Bangalore East Sub Division,
Bangalore.

4. Shri M.Venkatesh,
S/o Munichari,
Gundur Village,
Bidarihalli Post,
Bangalore-49.

... Respondents

Advocate by Shri M.S.Padmarajaiah, Sr. C.G.S.C.
for Respondents No.1 to 3.



O R D E R

Shri T.V.Ramanan, Member (A)

We have heard the learned counsel for the applicant, the learned Senior Central Government Standing Counsel for R1 to R3 and Shri S.K.Mohiyuddin for R4.

2. The applicant was provisionally appointed to function as ED Packer at Virgonagar Post Office for the period from 5.6.93 to 31.10.93 or till regular appointment was made whichever was earlier. We are told that the applicant was allowed to continue even beyond 31.10.93 to work as ED Packer until a regularly selected person was appointed. In the meanwhile, the department put into operation the process of selection for the aforesaid post on a regular basis. To their initial request, the Employment Exchange having not responded, R3 issued a local notification inviting applications. 10 persons responded. 5 more names came from the Employment Exchange, R3 having sent a copy of local notification to the Employment Exchange also. In all 15 persons were considered for the post, but the choice fell on Respondent No.4 on the basis of higher marks scored by him in the S.S.L.C. examination.

3. The applicant has challenged the selection of R4 Shri Venkatesh on the ground that the applicant having worked on a provisional basis as ED Packer and gained experience, should have been given due weightage for the experience gained by him as ED Packer while making the selection. The applicant contends that he ought to have been selected in preference to R4 Shri Venkatesh, who has had no such experience.

In this regard, the learned counsel for the applicant cites this Tribunal's Full Bench (Ernakulam) decision in G.S.Parvathy Vs. Sub-Divisional Inspector (Postal) and Others reported in A.T.Full Bench Judgements 1991-93 at page 23.

4. Learned Senior Central Government Standing Counsel contends, and in this he is supported by the learned counsel of R4, that even according to the Full Bench decision cited by the applicant, previous experience gained will not be the only decisive factor for selection and other relevant factors should also be taken into account.

5. We have carefully considered the submissions advanced by both the sides and also perused the record of selection made for the post of ED Packer. We find that R3 had made the selection going by the marks obtained by the applicant and others including R4 in the S.S.C.C. Examination vis-a-vis the others considered. As rightly pointed out by the learned Senior Central Govt. Standing Counsel, the Full Bench has clearly stated that past experience will not be the sole decisive factor for selection. For this selection the minimum educational qualification required being a pass in the SSLC examination, the appointing authority while making the selection has gone by the number of marks secured by all the competing candidates and selected the one who had secured the highest marks. In para 6 of its judgement the Full Bench has observed as follows:-



"Weightage means only that some consideration has to be given to experience as an additional qualification. Previous experience is not to be the sole decisive factor in making selection. Only if it reduces to naught the other qualifications of competing candidates the apprehension expressed that all provisional appointments would get practically converted into regular appointments would be justified. If experience is considered only as a qualification among others, a candidate with previous experience would be selected only all other things being equal, which will not occur always. It is also worth noting that there are other preferential categories referred to in Rule 6 of the Rules. It is for the selecting authority to assign its due place to each factor and to determine their relative importance while making selection. If a system of marks is allotted, previous experience will have to be allotted some percentage of marks along with other factors found to be relevant. The weightage to be given to previous experience will also depend on the quantum of experience. We are therefore of the firm view that weightage should be given to previous experience and that such experience shall be taken into account along with other relevant factor but will not operate as a sole decisive factor in the process of selection."

The question of giving weightage to experience comes when one or more candidates are on an equal footing, say, they have secured the same marks in the S.S.L.C. examination. In that event, a candidate with previous experience can be given weightage. However, that is not the case here. Even the counsel for the applicant has

not disputed, after seeing the record of selection made, that R4 has not secured much higher marks than the applicant or the others considered for selection.

In view of the foregoing, we find no substance in this application. We, therefore, dismiss this application but pass no orders as to costs.

TRUE COPY

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Sect. of Office (V. RAMANAN)
Central Administrative Tribunal

Bangalore Bench

Bangalore

(A. N. VUJJANARADHYA)
MEMBER (J)