

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 10 JAN 1995

APPLICATION NO: 1111 of 1994.

APPLICANTS:- Sri.K.S.Krishnan,Bangalore.

V/S.

RESPONDENTS:- The General Manager, Wheel & Axle Plant, Yelahanka,  
Bangalore-64 and others.,

T.

1. Sri.S.Ranganatha Jois, Advocate,  
No.36, 'Vagdevi', Shankarapark,  
Shankarapuram, Bangalore-560 004.
2. Sri.A.N.Venugopala Gowda, Advocate,  
No.8/2, Upstairs, R.V.Road, Bangalore-4.

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 22nd December, 1994.

Issued on

10/01/95

*[Signature]*

*[Signature]*

*[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A. No.1111/94

THURSDAY THIS THE TWENTY SECOND DAY OF DECEMBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member [A]

K.S. Krishnan,  
Aged 54 years,  
S/o K.S. Shankaranarayanan,  
District Controller of Stores,  
Wheel & Axle Plant,  
Yelahanka,  
Bangalore - 560 064.

... Applicant

[By Advocate Shri S.Ranganatha Jois]

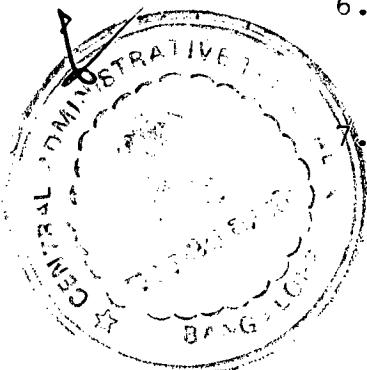
v.

1. The General Manager,  
Wheel & Axle Plant,  
Yelahanka,  
Bangalore-560 064.
2. The Chief Personnel Officer,  
Wheel & Axle Plant,  
Yelahanka,  
Bangalore -560 064.
3. Mathew Daniel, Major,  
Assistant Controller of  
Stores, Wheel & Axle Plant,  
Yelahanka,  
Bangalore-560 064.
4. A.F. Amalraj, Major,  
DSK Gr.I, Wheel & Axle  
Plant, Yelahanka,  
Bangalore-560 064.
5. B.S. Ranganath, Major,  
DSK Gr.I, Wheel & Axle  
Plant, Yelahanka,  
Bangalore-560 064.
6. A.S. Prabhakar, Major,  
OS, Wheel & Axle Plant,  
Yelahanka, Bangalore-560 064.

A. Muthuswamy, Major,  
CPI, Wheel & Axle Plant,  
Yelahanka,  
Bangalore - 560 064.

... Respondents

[By Advocate Shri A.N. Venugopal ...  
Standing Counsel for R-1 and 2]



O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. The applicant who is a substantive appointee of a post known as Depot Store Keeper Gr.I ['DSK I' for short] was promoted on ad hoc basis to officiate in the higher post of Assistant Controller of Stores ['ACOS' for short] as per Annexure A. Thereafter the department having found it necessary to fill up the post of ACOS regularly, invited applications and the applicant was one of many who offered for selection which required, however, passing of a written examination followed by a vive voce. The applicant took the examination and it now transpires that he did not qualify at the said examination. He did not secure even the barest minimum qualifying marks. The upshot was his juniors were selected to his detriment and hence this application. We find no substance herein at all. The applicant having failed to qualify at the written examination could not possibly have aspired for the higher post of ACOS and consequently he cannot express his displeasure and disappointment in not having been called for the viva voce test. To reassure ourselves that there is no mix up in the written examination we perused the answer scripts and tabulated results. We find the performance of all the candidates have been properly evaluated and reflected in the marks list which shows that the applicant had secured 49 marks as against 90 marks which is the minimum

required for further evaluation. That being the position on facts, the grievance made of his non-selection and the selection of his juniors is clearly without any substance. Shri Jois calls our attention to the excellent performance of the applicant in the higher slot indicated by the grant of cash awards and merit certificates. It may be so and that perhaps justifies his ad hoc selection in the higher post but for permanent roots in that post he had necessarily to qualify at the examination where unfortunately he did not pass and, therefore, cannot seek any assistance from the testimonials and cash awards earned by him while performing in the higher post.

2. The last point urged by Shri Jois is that during the pendency of these proceedings somebody junior to him has been appointed on an ad hoc basis to the higher post of ACOS. We do not know why it was done but if it has to be otherwise justified it has got to be investigated in other proceedings and we cannot go into the subsequent event which is one of giving somebody else of promotion in the higher post and that has nothing to do with the issue in the present application which is of non-selection of the applicant to the higher post of ACOS. If the applicant is aggrieved by the ad hoc promotion of somebody else he has to challenge the same in other proceedings and as a matter of fact he can even make a suitable representation complaining of being overlooked in that

behalf but that cannot be handy for the applicant to agitate the same in this proceeding.

3. In the result this application fails and is dismissed with no order as to costs.

Sd-

MEMBER [A]

Sd-

VICE-CHAIRMAN

BSV



TRUE COPY

*[Signature]*  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore