

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 398/93  
~~Ex-xxxxxxppxxxxxx~~

Date of Decision : 26.9.95

Shri A.S. Chaure

Petitioner

Shri Y.R. Singh

Advocate for the  
Petitioners

Versus

Union of India

Respondents

Shri S.S. Karkera

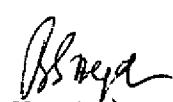
Advocate for the  
respondents

C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A)

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

  
(B.S. Hegde)  
Member (J)

ssp.

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. 398/93

Shri A.S. Chaure ... ... Applicant

v/s

Union of India ... ... Respondents

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)  
2) Hon'ble Shri M.R. Kolhatkar, Member (A)

APPEARANCE : 1) Shri Y.R. Singh, Advocate for the  
Applicant.  
2) Shri S.S. Karkera, Advocate for the  
Respondents.

JUDGEMENT

Dated: 26.9.95

(Per: Hon'ble Shri B.S. Hegde, M(J)).

1. In this O.A. the Applicant has challenged the order of the Respondents vide dated 24-12-1992 stating that he was declared pass but he was not included in the merit list on selection which was held on 21-12-1992. The only ground urged in the application is that the entire process has been vitiated on account that the Respondents have committed grave illegality inasmuch as 100% of the total marks accorded for written test were allocated for viva voce i.e. 50 marks were allocated for written test and 50 marks were allocated for viva voce. Admittedly, the Applicant appeared for written as well as viva voce; however, the total vacancies for the post of Cable Splicer at the relevant time was 23. However, out of 23, 17 was for OC, 4 for SC and 2 for ST. As per the recruitment rules, departmental candidates are permitted to appear for the test and viva voce - selection by both direct recruit and promotion will be made by taking oral aptitude test by a selection

From pre-page:

board. All the Departmental candidates are permitted to appear for the written test equivalent to 'A' standard except those who are qualified in the same standard of the Department. Though the learned counsel for the Applicant has been given opportunity to appear he did not care to be present at the time of disposal of O.A. Accordingly, we have disposed of O.A. on merit. Shri Karkera, the learned counsel for the Respondents urged that the O.A. is required to be dismissed in limine. During the course of hearing, the learned counsel for the Respondents also draws our attention that the Applicant could not come within the merit list prepared by the Respondents vide dated 21-10-1992. His serial no. in the merit list is 26 whereas the vacancies for OC category is only 17. On perusal of the same, we find that since there is no minimum marks required for the written test as well as aptitude test, he obtained less marks than others who have scored more both in written test as well as aptitude test. Accordingly, the learned counsel for the Respondents submit that only 17 posts are there and we have accommodated as per the merit list which is prepared by the Board and he has furnished the aptitude test merit list prepared by the Board and on perusal of the same we find that there is no infirmity in the selection made by the Selection Board. *ABV* Accordingly, the contention of the Applicant that the selection made is <sup>not</sup> ~~not~~ based on any documentary proof. That he has passed but his merit no. in the merit list is much below the number of vacancies. It is incorrect to state that less qualified candidates were selected and the Applicant was ignored. It has been authoritatively

From pre-page:

stated by a string of authorities by Supreme Court that the Administrative Tribunals cannot sit as a Court of Appeal over a decision of findings of the Selection Board and in the absence of any malafide and bias and it is not open for the Tribunal to re-assess the same which has been done by the Selecting authorities. It is for the Authorities to evaluate the same and make recommendations based on such evaluation. For the reasons stated, we do not find any merit in the O.A. and the O.A. is accordingly dismissed with no order as to costs.

M.R.Kolhatkar

(M.R. Kolhatkar)  
Member (A)

B.S.Hegde

(B.S. Hegde)  
Member (J)

ssp.