

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:1071.95

DATE OF DECISION:20.4.2000

Shri Murlidhar Motiram Baviskar Applicant.

Shri S.P.Kulkarni Advocate for
Applicant.

Versus

Union of India and others Respondents.

Shri S.S.Karkera for Shri P.M.Pradhan Advocate for
Respondents

CORAM


Hon'ble Shri B.N.Bahadur, Member(A)

Hon'ble Shri S.L. Jain Member(J)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(3) Library.


B.N. Bahadur -
Member (A)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 1071/95

THURSDAY the 20th day of APRIL 2000

CORAM: Hon'ble Shri B.N.Bahadur, Member (A)

Hon'ble Shri S.I.Jain, Member (J)

Murlidhar Motiram Baviskar
Residing at : Behind Barrack
No. 749, Dr. Ambedkar Nagar,
P.O. Ulhasnagar.

...Applicant.

By Advocate Shri S.P. Kulkarni.

V/s

1. Union of India through
Senior Superintendent of
Post Offices,
Thane Central Postal
Thane.
2. Chief Postmaster General
Maharashtra Circle,
Old G.P.O. Building,
2nd floor,
(Liason Officer for
SC/ST, Maharashtra Circle,
Bombay.
3. Member (Personnel)
Department of Posts
O/O Director General Posts,
Ministry of Communication,
Government of India,
Dak Bhavan, New Delhi.

...Respondents.

By Advocate Shri S.S. Karkera for Shri P.M.Pradhan.

ORDER (ORAL)

{Per Shri B.N.Bahadur ,Member(A)}

This is an application filed by the applicant seeking the relief for a direction to the respondents to declare the result of Review taken up as per Exhibit 'B' and for a direction for disposing of the appeal filed by the applicant on 19.12.1994. In short, the grievance of the applicant is that his case should have reviewed since he belongs to Scheduled Caste, as per the instructions contained in the letter dated 4.5.1981 from

...2...

:2:

D.G.P & T, copy of which is placed at page 21 (Exhibit G) of the paper book. The applicant contends that such a review was ordered as is clear from the documents at page 11. We have heard Counsel for both sides and perused the papers in the case. This case was specifically adjourned yesterday to enable the learned counsel for the respondents to get some further facts, which he has collected.

2. The learned counsel for the applicant agrees today that the two officials belonging to Schedule Caste who have been successful at the examination for selection will be taken, up in the normal quota, since they have successfully completed the selection process without taking recourse of taking relaxed standard. The learned counsel for the Respondents, however, takes the defence as contained in the clarification in the aforesaid circular of D.G.P&T dated 4.5.1981. Clarification reads as follows:

Clarification: << While processing cases in the Directorate, it has been noticed that cases of even those SC/ST candidates who have secured Zero marks have been recommended for declaring them successful. It has now been decided that results of only those failed Scheduled Caste Candidates who, have secured at least 20% (twenty percent) marks and Scheduled Tribes Candidates who have secured at least 15 % (fifteen percent) marks in each paper should be reviewed.

These order come into force with effect from the Examinations conducted on or after 1.12.1992. >>

...3...

128

OA 1071/95.

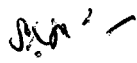
:3:

It is clear from the clarification that the case of candidates belonging to Schedule Caste can be taken up for Review only if the minimum of 20% marks has been secured by the candidate concerned.

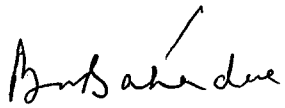
3. The learned counsel for the applicant fairly produced the copy of the joint verification cum inspection report regarding joint verification permitted to him by an earlier order of ours. In this report it is seen that the total of marks secured by M.M.Baviskar (applicant) comes to 17 marks in the three papers in aggregate (Paper I - 14, Paper II - 1, Paper III - 3 out of 200.)

4. Thus it is quite evident that the applicant does not have a case. He would ~~not~~ have succeeded even if such a review had been taken up in his case. He is not entitled to any relief as is clear from the facts of the marks obtained by him, which are not disputed.

5. In consequence of the above discussion this OA is hereby dismissed. No order as to costs.


(S.L.Jain)
Member(J)

NS


(B.N. Bahadur)
Member(A)