

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.No.949/89.

Date of Order: 20th March 91

M.Raja Rao

....Applicant

Vs.

1. Additional Director, Chief
Resident Inspector, Ministry of
Defence, HAL Post, Hyderabad.
2. Director, Technical Development &
Production (Air), Ministry of Defence,
'H' Block, DHQ PO New Delhi-110011.
3. Chet Ram, Peon, OCRI,
Director, Technical Development &
Production (Air), Ministry of
Defence, HAL Post,
Lucknow-226016.

....Respondents

Counsel for the Applicant : Shri B.G.Ravindra Reddy

Counsel for the Respondents : Shri E.Madan Mohan Rao,
Addl.CGSC

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (JUDICIAL)

(Judgement of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

The applicant is a Peon in the office of the
Respondent No.1 and he has filed this application question-
ing the procedure adopted by the Respondents in the matter
of promotions to the post of Lower Division Clerk and the
order passed by 1st Respondent in his memo No.CRI(HD)/001-1/
S/Admn dated 28-10-1989.

2. The applicant states that he and the 3rd respon-
dent are Group 'D' employees and the next promotion is to
the post of L.D.C. Ten percent of the posts of LDCs are

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filled every year by way of promotion and in the year 1987, one post became available for promotion in the office of the 1st Respondent at Hyderabad. He did not fill the post in the year 1987, but postponed the selection and same is being filled in the year 1989.

3. According to the rules for filling this post by promotion an examination is conducted. To be eligible for consideration a class-IV employee must be a Matriculate and must not be more than 45 years. They should also possess a minimum of five years service. The syllabus for examination is (a) Short Essay--100 marks (b) General English--200 marks (c) General knowledge including Geography of India--100 marks--total 400 marks. Respondent No.1 in his letter dt.28-10-1989 to Respondent No.2 asked him to include an interview also allotting 100 marks. The 3rd respondent who had joined service on 13-1-1984 had not put in five years of required service by 1987 and he completed the required service by 1987 and he completed the required service only in the year 1989. The applicant states that Sri A.K.Basu, Chief Resident Inspector has been trying to fill the vacancy by appointing the 3rd respondent.

4. An examination was conducted on 15th and 16th of November, 1989 and the applicant was not selected and the

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3rd respondent has been selected. He is the 2nd man after the 3rd respondent in the merit. Hence he has filed this application seeking a direction that the proceedings dt.28-11-1989 are illegal and contrary to Rules.

5. The Respondents in their counter say that all the candidates were given equal opportunity by publishing the syllabus in advance. The applicant also did not seek redressal of his grievance through the official channel by submitting an appeal to the 2nd respondent. Even though the applicant's services were not satisfactory, as he had been warned orally for his absence without leave, he was allowed to take departmental examination along with others, ignoring the warning given. The applicant's contention that there were vacancies available in the year 1987 is not correct and the vacancies became available only in the year 1989. The vacancy at Hyderabad was released on 11-1-1989 and even though an interview is not contemplated in the scheme of UPSC examination, there is no objection to the department in including interview and the interview is not the only criteria for selecting the suitable candidates. The fact that the interview was included in the selection process was intimated well before conducting the examination. The 3rd respondent had put in five years of service by 15-1-1989 and it cannot be said that the 3rd respondent

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was not qualified. For these reasons respondents oppose the application.

6. We have heard Shri B.G.Ravindra Reddy, learned counsel for the Applicant and Shri E.Madan Mohan Rao, learned standing counsel for the Respondents. On a careful consideration of the facts, we are unable to accept the contention that the 3rd respondent has been selected because of the efforts of Shri Basu. There is no material furnished by the applicant in support of this allegation. We also see no irregularity in including interview and this had been made known well before the examinations were conducted. As the vacancy became available in 1989, it cannot be said that the 3rd respondent was not qualified. In these circumstances, we see no merit in the application and it is dismissed accordingly. No order as to costs.

B.N. Jayasimha
(B.N.JAYASIMHA)
Vice-Chairman

J.N. Narasimha Murthy
(J.NARASIMHA MURTHY)
Member (Judicial)

Dated: 20 - March 1991 *[Signature]*
Deputy Registrar.

To

1. ~~AVLX~~ The Additional Director, Chief Resident Inspector, Ministry of Defence, HAL Post, Hyderabad.
2. The Director, Technical Development & Production (Air) Ministry of Defence, 'H' Block, DHQ PO New Delhi-11
3. Chet Ram, Peon OCRI, Director, Technical Development & Production, (Air) Ministry of Defence, HAL Post, Lucknow-226016.
4. One copy to Mr. B.G.Ravindra Reddy, Advocate, Plot 5-C Bagh Amberpet, Hyderabad.
5. One copy to Mr. E.Madanmohan Rao, Addl. CGSC; CAT. Hyd. Bench.
6. One copy to Hon'ble Mr. J. Narasimha Murty, Member (J) CAT. Hyd.
7. One spare copy.

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