

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 627/91

Date of Judgment: 20.6.95

BETWEEN:

M.V.Nageswara Rao ..

Applicant

AND

1. Union of India rep. by
Secretary,
Information & Broadcasting,
New Delhi.

2. The Station Director,
All India Radio,
Hyderabad.

3. The Asstt. Station Director,
All India Radio,
Adilabad.

4. Shri Ananta Ram ..

Respondents

COUNSEL FOR THE APPLICANT: ~~SHRI~~ SHRI V.Venkataramana
COUNSEL FOR THE RESPONDENTS: SHRI NR Devaraj,
Sr./~~CGSC~~ CGSC

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

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O.A.NO.627/91.

JUDGMENT

Dt: 20.6.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri V.Venkataramana, learned counsel
and
for the applicant, / Shri N.R.Devaraj, learned standing
counsel for R-1 to R-3.0

2. The order dated 2.6.1994 dismissing this OA
for default was set-aside and this OA was restored to
file as per the order dated 20.6.1995 in M.A.No.27/95.

3. In pursuance of the notification issued on
27.9.1990 for the post of Telugu Announcer, the applicant
and R-4 herein and some others applied for it in time.
Both the applicant and R-4 also were qualified in the
written test. They were called for audition test
~~xxxxxxx~~ on 10.11.1990. It is stated ~~xxxx~~ for the
respondents that the applicant got only 40% in the
audition test when the minimum prescribed was 50% and
hence he was not called for interview.. Ultimately,
R-4 was selected as Telugu Announcer. This OA was
filed praying for setting-aside the selection made to
the post of Telugu Announcer in pursuance of the noti-
fication dated 27.9.1990.

4. The contentions for the applicant ^{as} as under:-

By the letter dated 12.6.1985 (Annexure-A2)
issued by the Station Director, All India Radio, Cuddapah,
the applicant was informed that he had come out successful

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in the audition test conducted on 6/7.6.1985 and hence he was called for discussion on 17.6.1985. By the letter dated 21.12.1989 issued by the Station Director, All India Radio, Cuddapah (vide Annexure A3), the applicant was informed that his name was included in the panel for Casual Announcers. The applicant was assigned the work as Casual Announcer for one day in each month in 1990. In such a case, it cannot be believed when it is stated that he failed in the audition test conducted on 10.11.1990.

5. But it is submitted for the respondents that his performance at the audition test conducted on 10.11.1991 was poor and when no malafides are attributed to those conducted the test or who are incharge of the selection, the marks allotted to the applicant on the basis of his performance at the audition test conducted on 10.11.1990 cannot be challenged.

6. There is force in the above contentions for the respondents. Though the applicant could qualify in the test earlier, it might be unfortunate when the performance of the applicant as on the crucial date was not fair. It is not alleged that purposefully lower

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marks were allotted to the applicant at the said test.
Thus there are no merits in this OA.

7. The CA is accordingly dismissed. No costs.
(Signature)
(R.RANGARAJAN)
MEMBER (ADMN.)
(Signature)
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 20th June, 1995.
Open court dictation.

(Signature)
Deputy Registrar (J)C

vs

1. The Secretary, Information & Broadcasting,
Union of India, New Delhi.
2. The Station Director, All India Radio,
Hyderabad.
3. The Assistant Station Director,
All India Radio, Adilabad.
4. One copy to Mr.V.Venkataramana, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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(Signature)
23/6/95

Two Drafts

THPED BY CHECKED BY
COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. *R. Ravikiran* (M(ADMN))

DATED 29/6 1995.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

OA.No. in
TA.No. *627/95*
(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No.order as to costs.

OA 010

[Signature]
23/6/95

No *Sp* copy

Central Administrative Tribunal
DESPATCH
13 JUL 1995 NSP
HYDERABAD BENCH.