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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.1466/94.
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Date of decision: 20-8-1997

Between:

H. Vamang Rao.

.. Applicant.

and

1. The Director, South Eastern
Circle, Survey of India, Uppal,
Hyderabad.
 2. The Deputy Director, South
South Eastern Circle,
Survey of India, Uppal, Hyderabad 500039.
- Respondents.

Counsel for the respondents: Sri V. Bhimanna.

CORAM:

Hon'ble Sri R. Ranga Rajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J).

JUDGMENT.

(per Hon'ble Sri B.S. Jai Parameshwar, Member (J))

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None appeared for the applicant. The applicant was absent when the O.A. was taken up for hearing. Since the case is of the year, 1994 we are not inclined to adjourn the same, due to absence of the applicant. Heard Sri V. Bhimanna, the learned Standing counsel for the respondents. We are deciding the O.A., on the basis of the material available on record in accordance with Rule 15(1) of The Central Administrative Tribunal (Procedure) Rules, 1987.

2. The name of the applicant was sponsored by the Employment Exchange for filling up the post of Topo Trainee Type "B". The applicant appeared for the written test held on 13--7--1994 and the interview. He came out successful in the written test as well as in the interview.

subsequently, by the impugned order No. C-5634/4.E.1.3/SSEC dated 31-10-1994 the written test conducted on 13-7-1994 was cancelled due to administrative reasons and directed the applicant to appear for the written test to be held on 14-12-1994.

3. Being aggrieved by the cancellation of the written test, the applicant has filed this O.A. for quashing the impugned Order dated 31-10-1994 issued by the 1st respondent and for directing the respondents to appoint the applicant as Topo Trainee Type "B" on the basis of the written test held on 13--7--1994.

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4. The respondents have filed their counter stating that a requisition dated 18-1-1994 was sent to the District Employment Exchange for sponsoring the names of the suitable candidates, that a written test was held on 13-7-1994, that out of 18 candidates sponsored, 16 candidates appeared for the written test, that however, 12 candidates including the applicant were informed by letter dated 12-8-1994 that they were considered for selection and directed them to submit the attestation forms in triplicate, that in the meanwhile an anonymous complaint was received by the Surveyor General of India, Delhi. The Surveyor General of India appointed the Additional Surveyor General, Survey Training Institute, Hyderabad to inquire into the complaint and to report to him, that accordingly, the Additional Surveyor General, enquired into the complaint and submitted his report, that report was to the effect that the selection procedure adopted earlier was not fair, ^{and} that therefore the respondents cancelled the written test held on 13-7-1994.

5. An interim order dated 5-12-1994 was passed in the O.A., directing the applicant to appear for the written test to be conducted on 14-12-1994 without prejudice to the contentions raised by him in this O.A. and further directing the respondents that no order of appointment was to be issued on the basis of the said examination and viva-voce until further orders in this O.A.

6. Subsequently it was reported by the respondents that the applicant did not appear for the written test held on 14--12--1994. On the basis of the submissions made by the respondents on 5-5-1995 the interim order dated 5.12.1994 was vacated directing the respondents to keep one post unfilled and that they were free to fill up ~~the~~ all the remaining posts for which fresh test was conducted on 14.12.1994.

7. In annexure R-5 dated 23--9--1994, the Surveyor General of India on the subject mentioned in para 3 that they noticed certain irregularities in the procedure adopted during the written test conducted on 13--7--1994.

8. In para 4 of the same letter, it is stated that it is considered that the selection has been vitiated as the procedure adopted is considered arbitrary and ~~is~~ not fair".

dated 23--9--1994 of the Surveyor General of India, the respondents fixed the written test afresh for the post of Topo Trainee Type "B" on 14--12--1994 cancelling the written test held on 13--7--1994.

10. A copy of letter of the Surveyor General of India dated 23--9--1994 has been enclosed to the reply.

11. The applicant has not chosen to rebut the

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irregularities indicated in the letter of the Surveyor General of India. In the absence of any objections to that, it has to be held that a correct report has been made by the Additional Surveyor General after examining all the factors. Further the report has been submitted by a viz., ~~we~~ very Senior Officer/~~in the rank of~~ Additional Surveyor General of India. We do not consider that a very Senior Officer in the rank of Additional Surveyor General will err in coming to the conclusion that the procedure adopted during the previous selection is arbitrary and unfair.


12. Hence, we have no reasons to disbelieve the contentions advanced by the respondents in para 3 of ~~their~~ Surveyor General of India dated 23--9--1994 the respondents chose to conduct a fresh written test. We see no reasons to set aside the subsequent examination on 14--12--1994 and to direct to adhere to the selection made on the basis of the written test held on 13--7--1994.

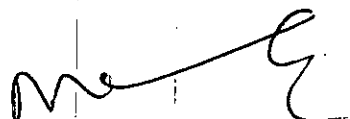
13. In view of what is stated above, we are satisfied that there were irregularities as reported by the Additional Surveyor General in the earlier

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selection and the applicant cannot ask for his appointment to the post of Topo Trainee Type "B" on the basis of the written test held on 13--7--1994.

14. The O.A., is liable to be dismissed. Accordingly it is dismissed. There will be no order as to costs.

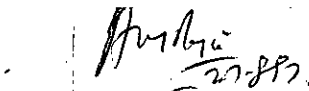

B.S. JAI PARAMESHWAR,
MEMBER (J)
20.8.97/


R. RANGARAJAN,
MEMBER (A)

Date: 20th August, 1997.

dictated in open Court.

SSS.


D.R. (S)

12/8/52
TYPED BY
COMPILED BY

(7)
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.R. BHARADWAJ : M (A)

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR:
(M) (J)

Dated: 20/8/52

ORDER/JUDGEMENT

M.A/R.A/C.A.NO.

in

C.A.NO. 1466/54

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default
Ordered/Rejected

No order as to costs.

YLKR

II Court

