

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.1372/95.

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Date of decision: March 4, 1998.

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Between:

Ramakanta Jena Applicant.

and

1. Union of India represented by its
Secretary, Ministry of Science and
Technology, Technology Bhavan,
New Mehrauli Road, New Delhi 110 016.
2. The Surveyor General of India,
Survey of India, Hathibarkala,
Dehradun, Utter Pradesh -248 001.
3. Director, Survey of India, South
Eastern Circle, "Survey Bhavan",
PO RR Laboratory, Bhuvaneswar 75101.
Respondents.

Counsel for the applicant: Sri P.B.Vijaya Kumar.

Counsel for the respondents: Sri N.V.Raghava Reddy.

Coram:

Hon'ble Sri A.V.Haridasan, Vice-Chairman (J), Ernakulam Bench.

Hon'ble Sri H. Rajendra Prasad, Member (Administrative)

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JUDGMENT.

(per Hon'ble Sri A.V.Haridasan, Vice-Chairman(J), Ernakulam Bench

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The applicant who is a surveyor in service of
India is aggrieved that though he performed well in the
written test and was qualified for selection for appoint-
ment to the post of Officer Surveyor in the year, 1993,
the respondents have promoted only two candidates from SC
and ST as against five persons appeared not promoting him.

: 2 :

2. The applicant has therefore filed this application for a direction to the respondents to promote him to the post of Officer Surveyor against the vacancies reserved for SCs on the basis of the test held on 22nd and 23rd December, 1993 with effect from the date on which the other persons have been promoted with all consequential and attendant benefits including the monetary benefits.

3. The respondents contend that though the applicant got qualified in the written test, his name was not included in the select list as he did not obtain the grading in the complete selection process including written test, viva voce and scrutiny of service records.

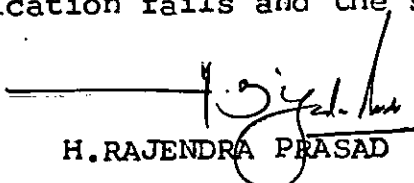
4. We have heard Mr. P.M. Patro for Sri P.B. Vijaya Kumar for the applicant and Sri N.V. Raghava Reddy for the respondents and have given careful consideration to the facts and circumstances of the case emerging from the pleadings and the documents placed on record.

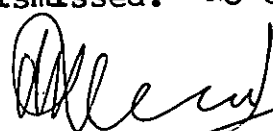
5. It is not disputed that the appointment to the post of Officer Survey is made by selection by considering written examination, viva voce and scrutiny of service record. Just because the applicant came out successful in the written test, he does not become ~~eligible~~ entitled to be promoted. He has to be successful in Viva voce and he has to get the grading in the assessment of service ^{records} also. The Selection Authority on assessment of merit in the written test, viva voce and scrutiny of service record did not ^{find} ~~sound~~ him suitable for selection. Unless mala fides are established this Tribunal will not interfere with

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the selection. There is no allegation of mala fides or ~~vi~~ infraction of rules in this case. It is not uncommon that juniors supercede the seniors. The applicant who was not successful in the combined selection process is not entitled to an order directing his promotion.

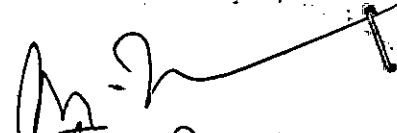
In the light of what is stated above, the application fails and the same is dismissed. No costs.


H. RAJENDRA PRASAD
Member (A)


A.V. HARIDASAN,
Vice-Chairman (J)
Ernakulam Bench.

Date: 4-3-1998.

Dictated in open Court.


Deputy Registrar

SSS.

O.A. 1372/95.

To

1. The Secretary, Ministry of Science
and Technology, Technology Bhavan,
Union of India, New Mehrauli Road,
New Delhi-16.
2. The Surveyor General of India,
Survey of India, Hathibarkala,
Dehradun, U.P. 1.
3. The Director, Survey of India, South Eastern Circle,
Survey Bhavan, PO RR Laboratory,
Bhubaneswar-101.
4. One copy to Mr.P.B.Vijayakumar, Advocate CAT.Hyd.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
6. One copy to DR(A) CAT.Hyd.
7. One spare copy.

pvm.

G. K. S.
19/3/98

I Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE AV Haridasan
VICE-CHAIRMAN (Enrollment Bench)

AND

THE HON'BLE MR. H. RAGENDRA PRASAD: M(A)

DATED: 4-3-1998

ORDER/JUDGMENT:

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

in
O.A.No. 1372/95

T.A.No. QW.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
दस्तावेज/DESPATCH
12 MAR 1998
हयदराबाद न्यायालय
HYDERABAD BENCH