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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.189/95.

Date of Judgment: 15.2.95

BETWEEN:

M.T.JOHN

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APPLICANT

AND

1. The Director,
DMRL, Kanchanbagh,
Hyderabad-500258.
2. The Director, Rectt. & Assessment, Centre,
Lucknow Road,
Timapur,
New Delhi-110054.
3. The Director General,
DRDO (& Scientific Adviser to
Defence Minister),
Govt. of India,
South Block-II,
New Delhi-110001.

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Respondents

COUNSEL FOR THE APPLICANT: SHRI C.SURYANARAYANA

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ, Sr.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.189/95.

JUDGMENT

Dt:15.2.95

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

Heard Shri C.Suryanarayana, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant is a ~~Senior~~ Senior Scientific Assistant (SSA) of DMRL, Hyderabad. He is now on deputation as Scientist-I, ARC International, Balapur, Hyderabad. This OA was filed seeking direction to the respondents, "to produce records relating to the written examination including the answer papers and the marks lists of the candidates arranged according to their ranking besides directing them not to conduct interviews but to identify in the first instance the vacancies allocated to each branch and to publish the results of all the candidates together with their marks in the written examination showing their merit ranking besides indicating the credit given to higher qualifications, experience and work output qualitative and quantitative."

3. The regular promotion in the DMRL in India from the cadre of SSA is to Junior Scientific Officer (JSO) and therefrom to SC'B'. There is also a provision whereby 10%

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of the posts of SO'B' have to be filled up on the basis of the performance in the Limited Departmental Competitive Examination (LDCE) open to the Scientific and technical staff including SSAs. For the ~~xx~~ Examinations which were conducted in 1992 for selection for SO'B', 15 eligible candidates from DMRL, Hyderabad including the applicant appeared and out of them, four were qualified in the written test. ~~xx~~ But it is stated that though the applicant passed M.Tech. and he also submitted some scientific papers, his name did not figure in those who were qualified in the written test. It is also stated for the applicant that ~~xx~~ he answered very well and it is only those who are having Metallurgical qualification that were said to have been qualified in the written test held in 1992. || The contentions for the applicant are two fold - (i) vacancies in the category of SO'B' which have ~~those~~ ~~xx~~ to be filled on the basis of the performance in the LDCE, have to be filled up discipline-wise and if it is going to be done discipline-wise, scientific and technical staff who are in the various disciplines will have opportunity of being selected for SO'B', for ~~xxxxxx~~ otherwise the same will be cornered by those who are in ~~one or few~~ ^{(ii).} the ~~same~~ disciplines. So as to provide ~~xxxx~~ reasonable opportunity for those working in various disciplines, the examination system may be directed to be altered so that there is a scope for the staff working in the various disciplines ~~are~~ being selected to the post of SO'B'.

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4. We will advert to the above two points in the order. It is stated for the respondents that the scheme of the examination was evaluated by R&D Wing of DRDO. The said scheme which was evaluated on 18.2.1982 was produced before us. Para-3 therein indicates that LDCE will consist of two parts, ~~one~~ written test and the other interview each carrying 50 marks. The written test comprises of two parts. One part comprises the questions which ^{have} ~~can~~ be answered by the staff in all disciplines. The second part comprises 50 objective questions in each discipline and it is for the concerned candidate to select paper of his discipline (vide Para-4 of the said scheme). The said scheme of examination indicates that the selection to the post of SO 'B' on the basis of LDCE is not discipline-wise.

5. It is stated for the respondents that the remaining 90% ~~maximum~~ of the vacancies in the category of SO 'B' are being filled up by direct recruitment and the said selection is not also discipline-wise. It means that the engineers of various disciplines are eligible for the posts of SO 'B' in DMRL. The question as to whether the posts in the category of SO 'B' have to be filled up discipline-wise or not is one of policy. ~~as~~ Courts/ Tribunals are not having necessary expertise to consider as to whether the said selection should be discipline-wise or not. Depending upon the various factors, the concerned ^{discipline} authority will ~~select~~ as to whether it has to be done discipline-wise or not.

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6. Whenever selection is not on the basis of ~~the any~~ ^{optional} particular discipline, the answers of such papers will be necessarily introduced either in the case of direct recruitment or in the case of selection by way of LDCE. The same pattern was followed in regard to the scheme under LDCE. There is no arbitrariness in selecting staff to the post of SO 'B' on the basis of LDCE without making it discipline-wise, when even as per the direct recruitment, selection was not discipline-wise.

7. The second contention for the applicant suggests that there is apprehension that ^{The setting} every section ~~is~~ of the question paper for Metallurgy is tilted in favour of those who are ~~is~~ in the discipline of Metallurgy, and if that were to be so, it is for the Director General, DRDO to look into the same and if ~~it were to be so~~, ^{The said apprehension is well founded.} it has to be set-right.

8. The learned counsel for the applicant also urged that while in 1979, 49 percent of the vacancies in SO 'B' were directed to be filled by conducting LDCE from among scientific and technical staff, it was drastically reduced to 10% whereby many of the meritorious scientific and technical staff are being deprived of the benefit of the selection to SO 'B'. It is also one of policy. There will not be any ~~is~~ rigidity in fixation of percentage, ^{and} it is ~~also~~ flexible. If the concerned authority feels that

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To

1. The Director, DMRL, Kanchanbagh, Hyderabad-258.
2. The Director, Recruitment and Assessment Centre, Lucknow Road, Timapur, New Delhi-54.
3. The Director General, DRDO (Scientific Adviser to Defence Minister), Govt. of India, South Bloc-II, New Delhi-1.
4. One copy to Mr. C. Suryanarayana, 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.

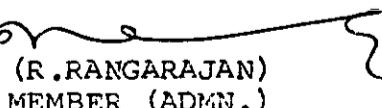
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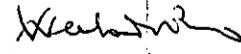
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good number of scientific and technical staff of DMRL who are contributing for the progress of those Laboratories deserve consideration, then ofcourse the concerned authority may consider about increasing the percentage from 10% especially when it is stated that in view of restructuring, there was enormous increase in the scientific and technical staff ~~etc~~ and SSAs etc.

9. If what is stated by the applicant is true, it is unfortunate that he could not get the scope for consideration by way of interview for the post of SO 'B' and especially so when it is stated to be last chance. But whenever it is a case of competition on the basis of relative merit, ^{when} and ofcourse, there is also some speculation ^{and} elements in regard to the objective test paper, when the number of posts to be filled are limited, the possibility of even meritorious ^{getting} may not ~~be~~ / berth in the higher category cannot be ruled out. But ~~etc~~ Courts/Tribunals cannot give a direction in regard to the policy matter ~~etc~~ except highlighting or focussing if any facets require consideration.

10. In the result, the OA is dismissed at the admission stage. No costs,


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 15th February, 1995.
Open court dictation.

TYPED 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

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

DATED: 15 - 2-1994

ORDER/JUDGEMTN:

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

in
O.A.No. 189/95

T.A.No. (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.

Re COPW

DVM

