

(158)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1026/96.

Date of order : 27.8.1996.

Between

D.Hanumantha Rao

.. Applicant

And

1. The General Manager,  
Security Printing Press,  
Hyderabad-1.

2. The Principal Secretary,  
Finance Department,  
Central Secretariat Bldgs.,  
New Delhi.

.. Respondents

---

Counsel for the Applicant .. Shri V.V.Narasimha Rao

Counsel for the Respondents .. Shri N.R.Devaraj, Sr. CGSC

---

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The applicant seeks a declaration that the examination conducted by the first respondent on 17.8.96 and selection made on that basis for appointment to the post of Deputy Inspector (Control) vide circular dated 6.8.96. <sup>is bad in law.</sup> It was <sup>In the Circular it was -</sup> specified that there was one post for OBC and two posts were unreserved. The applicant was eligible to apply as a departmental candidate. He, however, joined with others in filing a representation to the General Manager, Security Printing Press, Hyderabad on 16.8.96 stating that no sufficient time was left for them to prepare for the examination i.e., written test which was scheduled to be held on 17.8.96 at 2-00 P.M. The respondents, however, proceeded to hold the test and the applicant chose not to appear at the said test

.....2

mer

It is on that ground that he now wants the examination to be declared as bad in law.

2. In our view the applicant should have appeared at the examination but having not availed of that chance on his own he cannot question the validity of the examination. The question as to how much time should be given for preparation before an examination is held is not regulated by any rules and all that was open for the applicant was to appear as possibly the <sup>respondents</sup> residents may have wanted to test the candidates on the basis of their existing experience and knowledge. The respondents cannot be said to have committed any irregularity in holding the examination. For that matter the circular inviting applications was issued on 6.8.96 and the examination was scheduled to be held nearly after 10 days. The applicant thus had sufficient time to apprise himself with the syllabus and prepare himself for the examination. No question therefore of directing the respondents to hold a fresh examination for the applicant <sup>can</sup> ~~cannot~~ arise.

3. Shri V.V.Narasimha Rao, learned counsel for the applicant next submitted that the respondents have not filled up the Ex-servicemen's quota in the post of Deputy Inspector (Control) and on that ground the circular issued was not valid as no reservation for Ex-servicemen was indicated in the circular dated 6.8.96. He relies on an extract from the brochure issued by the Directorate of Sainik Welfare, Hyderabad which mentions under the heading "Employment" that for purpose of employment of Ex-servicemen, the following reservations have been earmarked, namely 10% in Group 'C' posts in Central Government Departments vide Govt. of India, Ministry of Home Affairs Notification dated 15.12.79. What is however pertinent <sup>the</sup> to note is that provision speaks of 10% reservation in Group 'C'.

posts and not in the post of Deputy Inspector (Control) although the post may be a Group 'C' post. If the respondents have proposed to fill up the 10% quota they would have indicated the same in the circular and since that fact depends upon the total number of Group 'C' posts it is not possible to rush to the conclusion that the respondents have not followed the reservation policy. That, however, is a wider issue and so far as the present <sup>applicant</sup> is concerned it was incumbent upon him to appear at the examination and thereafter raise the question of reservation. Thus we find no prima facie case disclosed to entertain the O.A.

4. The learned counsel for the applicant submits that the applicant may like to file a representation to the respondents and request for holding a fresh examination. All that we need to mention in that connection is that this order does not preclude the applicant from filing a representation.

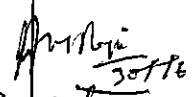
5. The O.A. is rejected.

  
( H. Rajendra Prasad )  
Member (A).

  
( M.G. Chaudhari )  
Vice-Chairman.

Dated: 27.8.1996.  
Dictated in Open Court.

br.

  
Deputy Registrar (DCC)

90

To

1. The General Manager,  
Security Printing Press, Hyderabad-1.
2. The Principal Secretary,  
Finance Department,  
Central Secretariat Buildings,  
New Delhi.
3. One copy to Mr.V.V.Narasimha Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

p m.

9/7/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

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

Dated: 27 8 -1996

ORDER / JUDGMENT

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

in

O.A.No. 1026/96,

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.

pvm

