

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.828/96

DATE OF ORDER : 24-08-1998.

Between :-

Bh.Godavari Sharma

... Applicant

And

1. The Union Public Service Commission,  
Dholpur House, Shah Jahan Road,  
New Delhi-110011, Rep. by its  
Secretary.

... Respondent

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Counsel for the Applicant : Shri N.Ram Mohan Rao

Counsel for the Respondent : Shri V.Vinod Kumar, CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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... 2.

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

Heard Sri Siva for Sri N.Ram Mohan Rao, counsel for the applicant and Sri V.Vinod Kumar, standing counsel for the respondents.

2. The applicant in this OA while working as Stenographer in the respondents organisation applied for the post of Labour Officer/Asst.Labour Commissioner (Central)/Asst.Welfare Commissioner/Asst.Director of Grade V in Central Labour Service in response to the advertisement No.19 published in Employment news dt.8-10-94 (Annexure-7 page-12 to the OA). The case of the applicant was not considered and he was not called for interview.

3. This OA is filed praying for a declaration that the action of the Union Public Service Commission in not allowing xx the applicant to oral interview test undertaken by it ~~is~~ arbitrary and for a consequential direction to subject him for interview along with other candidates.

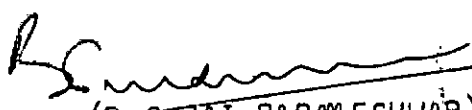
4. The applicant made two important contentions. They are (i) that one Sri D.Srinivasulu and Sri G.P.V.L.Narasimha Rao were permitted to attend the interview whereas the applicant who is similarly qualified <sup>was</sup> ~~is~~ not called for interview. Hence it is a case of discrimination; (ii) though he accepts that short listing of candidates <sup>by UPSC</sup> ~~is~~ permissible <sup>he contends that</sup> ~~to UPSC~~, the same should be done after checking the aptitude of those who applied for the post by screening test.

5. The above two contentions were considered. It is stated

in page-5 of the reply that the said D.Srinivasulu was an ST candidate and as there were limited candidates who applied for the post, Sri D.Srinivasulu <sup>was</sup> called for the interview. Similar reasoning was given in case of Sri G.P.V.L.Narasimha Rao. The above reasoning appears to be in order. Normally the number of candidates applying <sup>from</sup> for reserved category are limited. Even the cases of candidates who applied <sup>from</sup> for reserved community ~~vacancies~~ are rejected, then the constitution <sup>of</sup> rights <sup>guaranteed</sup> granted to the reserved communities cannot be adhered to. Hence the applicant cannot compare himself with the reserved community candidates. Hence this contention is rejected.

6. No doubt the UPSC can short list the candidates. The short listing of candidates has been upheld by the Apex Court in the reported case in Madhya Pradesh Public Service Commission Vs. Navnit Kumar Potdar & Another (1995 (1) SLJ 134). The applicant does not possess the qualification viz., "two years experience in responsible capacity, <sup>handling/dealing</sup> in <sup>a</sup> with Labour problems in Government establishment, Industry or trade union organisation". Mere aptitude cannot be equated to experience. Experienced people may have better aptitude. Hence even by screening the applicant cannot be preferred over a person who got hand on experience in the field. Hence if his case is rejected without screening, it cannot be stated that the short-listing is irregular.

7. In view of what is stated above, we find that both the contentions fails. Hence the OA is dismissed. No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)

24.8.98

  
(R. RANGARAJAN)  
Member (A)

Dated: 24th August, 1998.  
Dictated in Open Court.

DA.828/96

Copy to:-

1. The Secretary, Union Public Service Commission, Dholpur House, Shah Jahan Road, New Delhi.
2. One copy to Mr. N.Ram Mohan Rao, Advocate, CAT., Hyd.
3. One copy to Mr. V.Vinod Kumar, Addl. GSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

Srr

8/9/98  
(5)

II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED:

24/8/98

~~ORDER~~/JUDGMENT

~~M.A/R.A/C.P.NO.~~

in

C.A.NO.

828/98

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

