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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1137/99

DATE OF ORDER : 19-4-2000

Between :-

B.Ramulu

And

..Applicant

1. The Chief Executive,
Nuclear Fuel Complex,
Department of Atomic Energy,
Govt. of India, ECIL 'X' Road,
Kushaiguda, Hyderabad.
2. The Administrative Officer,
Nuclear Fuel Complex, Dept. of Atomic Energy,
Govt. of India, ECIL 'X' Road, Kushaiguda,
Hyderabad.

..Respondents

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Counsel for the Applicant : Shri B.Ramesh

Counsel for the Respondents : Shri B.N.Sharma, Sr.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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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri A.C.Srinivas for Sri B.Ramesh, learned counsel for the applicant and Sri B.N.Sarma, learned counsel for the Respondents.


2. In August, 1997, N.F.C. placed requisition with Employment Exchange, R.R.District for nominating candidates for Jr.Operator Trainees (Fitter). But there were number of litigations in the High Court of A.P. as well as on the Bench of this Tribunal for considering the names of the candidates whose names were not sponsored by the Employment Exchange. In the meantime Department of Personnel & Training clarified that those who responded directly should also be considered. Hence an open notification was issued for filling up 22 posts of Jr.Operator Trainee (Fitter), as can be seen from advertisement (page-31 to the O.A.). The applicants and others were considered. Earlier the applicant filed OA 1607/98 ^{on the} filed ^{by} this Bench wherein it was held that the applicant need not appear for the written test scheduled to be held on 7-12-1998 as he had earlier appeared for the written test in January, 1998. It was also directed that for all ~~the~~ purposes the performance in the written test held in January, 1998 shall be considered i.e. if the applicant had successfully passed earlier written test, the same shall ~~be~~ hold good. The applicants ^{was} ~~were~~ given liberty to attend for the viva-voce test to be held after written test and ^{his} ~~their~~ performance shall be considered, ~~at that~~ if the applicant succeeds in the viva-voce test. Accordingly the respondents did not subjected the applicant to the second written test. He has passed the earlier written test. Hence he was subjected to the viva-voce

as well as to the trade test and a final select list of 22 candidates was issued. The applicant contends that omission of his name in the select list is arbitrary as he has done his examination well.

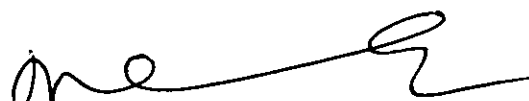
3. The applicant has filed this OA to appoint him as J.O.T. (Fitter Trainee) in respondents organisation considering his results which caused him to become empanelled and his subsequent examinations results also vide examination dated 24-12-1997 and 3-3-1998 on par with other similar candidates who appear J.O.T. (Fitter Trainee) who being selected for the relevant post and also prays for comparing his answer sheets with that of the 3 candidates who have been selected probably from ST Community, an order of which is enclosed Annexure-XII (page-36 to the OA).
4. The applicant was not subjected to the second written test as ordered by this Tribunal in OA 1607/98. However, he was subjected to the viva-voce as he had passed the first written test and subjected to the trade test and other tests as required. It is stated that the applicant had not come out successfully in the selection. Hence his case was rejected. In order to examine the above submission, we have called for the selection proceedings and perused the selection proceedings. The applicant is an ST candidate. He obtained 43.121 marks when the cut-off mark for ST candidates is 44.225. Hence the applicant got less marks than the cut off marks even for ST candidates. The applicant submits that he passed the Apprentice Course which was not taken note of while deciding merits of the case. The respondents in the reply submit that he has undergone training in M/s Hydro Cupline Industry

at Uppal and that certificates were not taken note while fixing inter-se ~~merit.~~ The above reply is not very clear. The learned counsel for the respondents, ~~on~~ further questioning submits that the Apprentice Training has no relevance for the present job for which he applied. It is only a fact and no further action ^{is} needed on the basis of the certificate of Apprentice Training produced by the applicant. The applicant has not filed any rejoinder or ~~shown~~ any rule to state that the ^Apprentice Training certificate ~~possessed by him was very relevant to the present trade~~ of J.O.T.(Fitter) and that if the respondents had taken note of and given him some additional marks, he would have succeeded in the selection. In view of non availability of Rejoinder it is to be held that the applicant has no material to substantiate his case. The applicant having obtained less marks than the cut-off marks even for ST candidates cannot request for appointment even against ST quota. In that view, the ~~app~~ non selection of the applicant for the post of J.O.T.(Fitter) Training cannot be questioned.

5. In view of what is stated above, we find no merit in the O.A. Hence the O.A. is dismissed. No order as to costs.


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

19.4.00


(R. RANGARAJAN)
Member (A)

Dated: 19th April, 2000.
Dictated in Open Court.

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