

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A. / ~~MAX~~ No. 220. of 1998

DATE OF DECISION 27.4.2001

1. Shri Amar Jyoti Das

2. Shri Baikuntha Kumar

PETITIONER(S)

Mrs. K. Dekar, LLM and ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

Mr. B.K. Sharma, Railway Counsel

ADVOCATE FOR THE
RESPONDENTS

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the ~~fair~~ copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 220 of 1998

Date of decision: This the 27 day of April 2001

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

1. Shri Amar Jyoti Das,
Resident of East Gotanagar,
Maligaon, Guwahati.
2. Shri Baikuntha Kumar,
Resident of Gotanagar,
Maligaon, Guwahati.

By Advocate Mrs K. Deka.

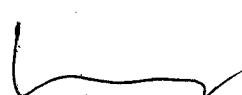
.....Applicants

- versus -

1. The Union of India, represented by
The Secretary,
Human Resource Development,
(Department of Education),
New Delhi.
2. Shri Dinesh Kalita,
Commissioner of State Committee,
Scouts and Guides,
N.F. Railway,
Maligaon, Guwahati.
3. The Selection Committee, represented by
The Chairman Constituted for Selection.
4. The N.F. Railway, represented by
The General Manager,
Maligaon, Guwahati.
5. Shri Pranab Das,
Resident of Maligaon,
Guwahati.
6. Shri Bhupen Kr Kalita,
Resident of Maligaon,
Guwahati.
7. Smt Nibedita Dey,
Resident of Maligaon,
Guwahati.
8. Shri Subrat Das,
Resident of A mingaon,
Guwahati.
9. Shri Anup Mazumdar,
Maligaon, Guwahati.

By Advocate Mr B.K. Sharma, Railway Counsel.

.....Respondents



O R D E R

CHOWDHURY.J. (V.C.)

The legitimacy of the action of the respondents pertaining to selection of candidates for Groups 'C' and 'D' posts under the respondents in Scouts and Guides Quota for the year 1996-97 is the key issue for adjudication.

2. A notification was made notifying about the selection to be held for filling Groups 'C' and 'D' posts against the Scouts and Guides Quota for the year 1996-97 for about twelve posts - four posts in Group 'C' category and eight posts in Group 'D' category. The notification mentioned the eligibility criteria. As per the notification applications were to be forwarded through the District Associations. The two applicants also applied for the post and according to the respective pleadings the two applicants (one belonging to Scheduled Caste community and the other to Backward community) were also called for the interview for Group 'C' and 'D' posts for Scouts and Guides Quota and appeared in the interview on 30.7.1998. According to the applicants they fared exceedingly well in the interview, but their cases were unfairly rejected and persons of inferior quality were selected arbitrarily and discriminately depriving the suitable candidates. According to the applicants there was rampant favouritism in the selection. The applicants, in this proceeding, impleaded the Commissioner of State Committee, Scouts and Guides and some of the persons selected, alleging malafide.

3. The respondent Nos.2, 5, 6, 7 and 8 filed one set of written statement through one Anup Mazumdar, a Junior Clerk in the Office of the Chief Engineer and one set of written statement has been filed on behalf of respondent Nos.1, 3 and 4 through the Law Assistant. It appears that the respondents undertook the matter of filing and verification of the pleading very lightheartedly. In the matter of signing the pleadings the respondents should have acted with responsibility. We express our strong disapprobation on the matter and rest here for the time being.

4. On the basis of the facts pleaded by the applicants, it is difficult to hold the impugned selection as arbitrary and discriminatory, nor do we find any bias from the materials on record to hold the process of selection vitiated by favouritism and nepotism.

5. Considering the facts and circumstances in its entity, we are, however, of the opinion that the case of these two applicants also require to be considered justly and fairly. We accordingly dispose of the application with the direction on the respondents to consider the case of the applicants against any such future vacancy as per law without any predilection or predisposition alongwith other persons similarly situated.

6. The application thus stands disposed of. There shall, however, be no order as to costs.

K K Sharma
(K. K. SHARMA)
ADMINISTRATIVE MEMBER

D N Chowdhury
(D. N. CHOWDHURY)
VICE-CHAIRMAN