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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 28 of 2001

Jabalpur, this the 7th day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Ghanshyam Das Shayalwar, C-202  
Dayal Raj Apartments, Second Floor,  
New Shobhapur, Jabalpur.

... Applicant

(By Advocate - None)

V e r s u s

1. The Union of India, through  
Secretary, Department of Defence  
Production, Ministry of Defence,  
South Block, New Delhi - 110011.
2. The Chairman, Ordnance Factory Board,  
10/A Shaheed Khudiram Bose Road,  
Calcutta.
3. The General Manager, Gun Carriage  
Factory, Jabalpur.
4. Shri Hori Lal Vishwakarma,  
Ticket No. 15961, IEP No. 15311,  
Machinist (Skilled), Project - 8,  
Gun Carriage Factory, Jabalpur.
5. Shri Virendra Kumar Gupta,  
Ticket No. 0072, IEP No. 15032,  
Machinist (Skilled), Tool Room,  
Gun Carriage Factory, Jabalpur. ... Respondents

(By Advocate - Shri P. Shankaran for official respondents  
and none for private respondents)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None for the applicant. Since it is an old case of 2001,  
we proceed to invoke the provisions of Rule 15 of CAT  
(Procedure) Rules, 1987. Heard the learned counsel for the  
official respondents.

2. By filing this Original Application the applicant has  
claimed the following main reliefs :

"(a) quash the impugned selection list/result dated  
19th August, 2000 passed by the respondent No. 3 with  
the direction to declare the result excluding the  
ineligible personnel for the post of Chargeman Grade-II  
(Non Technical/Stores), and

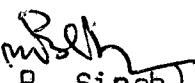
(b) direct the respondents that after exclusion of the ineligible personnel from the list of successful candidates if the applicant is found successful he be promoted to the aforesaid post."

admitted  
3. The brief/facts of the case are that the applicant who is working in Gun Carriage Factory, Jabalpur as a Supervisor (Store) has appeared in the limited departmental competitive examination held for the post of Chargeeman Grade-II (Non-Technical). He has also appeared in the interview alongwith the private respondents Nos. 4 and 5. According to the respondents, the applicant had not objected or challenged the scheme of LDCE and also the eligibility of respondents Nos. 4 and 5 and other similarly placed candidates either before the selection process or at any stage of the examination/selection. However, it is only after when the applicant has failed in the examination, he is challenging the whole selection in which he has participated and failed.

4. It is a settled legal position that the applicant having participated in the examination and failed cannot challenge the selection/examination. Since the applicant had already appeared in the written examination as well as/ the interview and has failed, he cannot challenge the selection at this stage.

5. Thus the Original Application is without any merit and is accordingly, dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman