

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

original Application No:103/2000

Jabalpur, this the 17th day of February, 2004

HON'BLE SHRI M.P.SINGH, VICE CHAIRMAN  
HON'BLE SHRI G.SHANTHAPPA, MEMBER (J)

Heera Lal Yadav s/o late Gokul Prasad Yadav,  
Aged about 34 years,  
Upper Division Clerk,  
T.T. Section,  
G.C.F., Jabalpur.

...Applicant

(By Advocate: Shri K.Dutta)

-Verus-

1. Union of India through  
Secretary,  
Ministry of Defence,  
New Delhi.
2. The Chairman/D.G.O.F.,  
Ordnance Factory Board,  
Calcutta.
3. The General Manager,  
G.C.F.,  
Jabalpur.
4. Kiran Kumar Mukherjee,  
Chargeman Gr.II (NT/OTS) 814192  
G.C.F., Jabalpur.

...Respondents.

(By Advocate: Shri P.Shankaran)

ORDER (ORAL)

By M.P.Singh, Vice Chairman -

By filing this O.A., the applicant has sought  
the following reliefs:-

- i) The applicant be given appointment to the  
post of Chargeman Gr.II (Non-technical/OTS)  
w.e.f. 19.6.199 as given to other appointed  
candidates of order dated 19.6.199 (A/1).
- ii) That all consequential relief like seniority  
difference of pay etc. be given to applicant  
w.e.f. 19.6.199.
- iii) That the appointment of respondent no. 4 as  
Chargeman Gr.II (Non-technical/OTS) given

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vide order dated 19.6.1999(Annexure A-1) be cancelled.

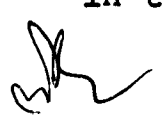
- (v) That if it is found that there is no reservation quota for OBC candidates in Chargeman Gr.II (Non-technical) suitable direction be given to provide 27% reservation quota as per provisions of Constitution of India"

2. The brief facts of the case are that the applicant was working as Upper Division Clerk from 01.08.1988 in Gun Carriage Factory, Jabalpur. As per SRO 13/E, 50% posts of the Chargeman Gr.II(Non-technical) and Chargeman Gr.II(Technical)<sup>are ✓</sup> filled up as under :-

- a) 25% of vacancies of Chargeman Gr.II(T) through/amongst all categories of skilled workers or Draughtsman or equivalent or DEO/Sr.DEO with 2 years experience in the grade.
- b) 25% of vacancies of Chargeman Gr.II(NT) amongst LDCs or equivalent and above with two years experience.

3. Since the applicant is working as Upper Division Clerk, he is eligible to compete for the post of Chargeman Gr.II(Non-technical/OTS) under 25% quota in the Limited Departmental Competitive Examination. According to the applicant, he appeared in the test and passed the same. His name was in the list of qualified candidates. However, respondents have finally selected one Shri Kiran Kumar Mukherjee i.e. respondent No. 4 alongwith two other candidates ignoring the claim of the applicant. He has, therefore, filed the present O.A. claiming the aforesaid reliefs.

4. The respondents have filed their reply stating that the applicant has passed the written test which made him eligible for personal interview. He has also appeared in the personal interview. Although he has qualified



in the written test but on the basis of overall performance in both the written test and personal interview, he could not be finally selected and, therefore, could not find place in the panel of selected candidates. They have also submitted that there was no post notified for the O.B.C. category and, therefore, the question of giving appointment to the applicant against the OBC category does not arise. The appointments were made on the basis of merit list drawn on the basis of marks obtained in the written test and personal interview. Since the applicant could not find a higher place in the merit list for the post of Chargeman Gr.II(non-technical/OTS), he could not be appointed because notified vacancies were only three.

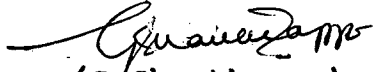
5. Heard the learned counsel for both the parties.


6. We have given careful consideration to the rival contentions of both the parties. We find that the applicant is working as Upper Division Clerk in the Gun Carriary Factory, Jabalpur. He is eligible to compete for the post of Chargeman Gr.II(Non-technical/OTS) under 25% quota of Limited Departmental Competitive Examination. He has appeared in the written test and he has passed the same. Thereafter he has appeared for the personal interview. But on the basis of overall performance in both the written test and the personal interview, the applicant could not find place in the selected panel as there were only three vacancies under that category and more meritorious persons were selected and included in the panel of selected candidates. The contention of the applicant that he should be considered against the post reserved for OBC is not tenable as there is no reservation in the promotion for the candidates belonging to O.B.C. category. Therefore, the contention of the applicant to consider him for appointment to the post of

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Chargeman Gr.II (Non-technical/OTS) against the O.B.C. category is rejected.

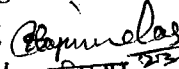
7. For the reasons recorded above, the O.A. is without any merit and is accordingly dismissed. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

/na/

पृष्ठकन सं ओ/न्या.....जबलपुर, दि.....  
पतिलिपि अवे पित -

- (1) सचिव, उच्च न्यायालय एवं राज्य सरकार, जबलपुर  
(2) अध्यक्ष, पी.डी.सी./कु .....के काउंसल K. Dutta  
(3) प्रमुख, पी.डी.सी./कु .....के काउंसल P. Shaukan  
(4) सचिव, न्यायालय, जबलपुर न्यायाधीश  
सूचना एवं आवश्यक कार्यवाही हेतु   
उप सचिव 23/2/04

*Filed  
on  
23-2-04*