

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Applications No. 339 of 1999 and 372 of 1999

Jabalpur, this the 5th day of February, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

(1) Original Application No. 339 of 1999

V.K. Khare,
S/o Late R.P. Khare,
Aged about 36 years,
R/o H.No. 4640/2,
Adhartal,
Jabalpur (M.P.)

APPLICANT

(By Advocate - Shri Yogesh Mishra on behalf of
Shri A.P. Singh)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Defence,
Production
New Delhi.

2. Chairman,
Ordnance Factory Board,
10-A Auckland Road,
Calcutta.

3. General Manager,
Ordnance Factory
Khamaria,
Jabalpur

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

(2) Original Application No. 372 of 1999

Aziz Mohammad Khan,
S/o Shri Lal Mohammad Khan,
Aged 41 years,
R/o Pathani Mohalla,
Panagar
Distt. Jabalpur

APPLICANT

(By Advocate - Shri Yogesh Mishra on behalf of
Shri A.P. Singh)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Defence,
(Production)
New Delhi.

2. Chairman,
Ordnance Factory Board,
10-A Auckland Road,
Calcutta

: 3 :

3. General Manager,
Ordnance Factory,
Khamaria,
Jabalpur (M.P.)

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

COMMON ORDER

By M.P.Singh, Vice Chairman -

As the issue involved & grounds raised in both the aforesaid Original Applications are similar, and the facts are identical, these OAs are being disposed of by this common order.

2. The main relief claimed in both the OAs is to direct the respondents to select the applicants for the post of Chargeman-II (T) and grant them all consequential benefits.

3. The brief facts of the case are that the applicants had applied for Limited Departmental Competitive Examination (for short 'LDCE') for the post of Chargeman Grade-II (Mechanical). As per SRO 191/1994, 25% posts of the Chargeman Grade-II are to be filled up by direct recruitment; 25% by the LDCE and 50% by promotion. The applicants had appeared in the LDCE and had also passed the same. They also participated in the interview. However, their names were not included in the final select list. According to them, the respondents have selected one OBC candidate against a vacancy earmarked for general category candidate, although one post of OBC, which was reserved for the said category, has been carried forward. The applicants have submitted their representations but no action has been taken. Hence aggrieved by this, they have filed the present OAs.

4. The respondents in their replies have stated that there were 12 vacancies (6Gen., 3 ST, 2 SC & 1 OBC) of the Chargeman Grade-II in Mechanical stream, required to be filled up by the LDCE in 1998. As per the provisions of SRO 191/94, applications were invited from the eligible departmental

candidates. The applicants appeared in the written test as well as in the interview. Based on the result of the written test 9 candidates qualified for appearing at the interview. On the basis of the marks obtained in the written test as well as in the interview, a final merit list was prepared. Applicants Aziz Mohammad Khan and A.K.Khare were placed at serial nos.8 and 9 respectively in the final select list. Since there were only 6 vacancies earmarked for general candidates, the persons appearing at serial nos.1 to 7 were selected against the general (unreserved) vacancies, leaving one at serial no.4, as he was already appointed as Chargeman Grade-II (Mech.). This includes one OBC candidate who was at serial no.5 in the merit list. Since the OBC candidate at serial no.5 came within the 6th position (in his own merit), he was considered against general (unreserved) vacancies. Since no other general category vacancies were available other than the six vacancies as stated above, the general category candidates appearing at serial nos.8 and 9 were not considered for appointment on promotion. Apart from this, since no SC/ST/OBC candidates were available in the select list, those vacancies were kept unfilled and carried forward for the next recruitment year. The respondents have further contended that the document produced by the applicants as Annexure-A-2 is nothing but result of the LDCE^{written test not} for Chargeman Grade-II and not the merit list. The merit list was drawn subsequently after the interview, based on the total marks obtained in the written test and the interview. In view of the above facts, the respondents have contended that the applicants are not entitled to get any relief whatsoever and have prayed that the present OAs be dismissed.

5. We have heard the learned counsel for both the parties and perused the record carefully. The respondents on our directions have also produced the relevant records of the aforesaid selection for our perusal.

6. We find that there were only six vacancies earmarked for general category candidates. Both the applicants have passed the written test, however, in the final merit list they were placed at serial nos.8 and 9. Since there were only six vacancies earmarked for general candidates, both the applicants could not have been included in the panel of selected candidates.

7. As regards the OBC candidate, we find from the record placed before us that he has qualified ~~the test~~^{with} in the written test as well as in the interview as a general candidate and has been placed in the merit list at serial no.5. Therefore, his name was included in the list of general category and not against the reserved category. In this view of the matter we find that the applicants have not proved their case for getting any relief from this Tribunal.

8. In the result, both the OAs are dismissed. No costs.

G.Shanthappa
(G.Shanthappa)
Judicial Member

M.P.Singh
(M.P.Singh)
Vice Chairman

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 A P Singh
 S A Dharmadhi Karmi
 Rajinder
 उप रजिस्ट्रार 12.2.04