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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.387 of 1997

Jabalpur, this the 14th day of January, 2003.

Hon'ble Mr. Justice N.N.Singh- Vice Chairman
Hon'ble Mr. Sarveshwar Jha- Member (Admnv.)

Sanjay Tiwari aged 25 years,
S/o GP Tiwari, R/o 479, Chhoti
Omti, Jabalpur.

-APPLICANT

(By Advocate- Mr.A.G.Dhande)

Versus

1. Union of India through the
Secretary, Defence, South Block,
New Delhi.
2. Director General of Ordnance Services,
Army Headquarters, New Delhi.
3. Commandant, Central Ordnance
Depot, Jabalpur.
4. Sudhir Kumar Sharma, son of
Ram Naresh Sharma, P.No.9654236,
Fireman Gr.II, COD, Jabalpur.
5. Shiv Charan Dubey son of Siya
Sharan Dubey, Fireman Gr.II,
P.No.9652432, COD, Jabalpur.

-RESPONDENTS

(By Advocate- Mr.B.Dasilva for
official respondents)

O R D E R (ORAL)

The applicant has approached this Tribunal by this O.A. challenging the action of the non-applicants discriminatory against him and not considering him fit for appointment, even though he fulfills the requisite qualification for the post of Fireman Gr.-II. He has prayed that the records relating to the selection of Fireman Gr-II be summoned, and also that the selection/appointment of respondents No.4 and 5 be quashed. He has also requested for fresh selection.

2. On perusal of the application as well as the submissions made by the learned counsel of the applicant, it transpires that the applicant appeared for an interview for selection for the post of Fireman Gr-II on 11.2.1997 alongwith a few other candidates including respondents No. 4 and 5. The applicant alongwith other candidates was also subjected to Medical Examination. On the basis of the results of medical examination and after considering the suitability/fitness of the candidates, the respondents No.4 and 5 appear to have been selected, and the applicant did not find himself selected, even though he fulfilled the conditions of both educational as well as fitness requirements.

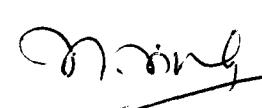
3. On perusal of the reply of the respondents, it is observed that they subjected all the candidates sponsored by the Employment Exchange for recruitment to the post of Fireman Gr-II to a thorough medical examination on 11.4.1997 after having selected them on the basis of their having fulfilled the other conditions including educational qualification. The results of the medical examination in respect of all the candidates including the applicant and also including the respondents No.4 and 5 are given in Annexure R/1. On perusal of the results of medical examination, it is observed that the allegation of the applicant that respondent No.4, i.e., Sudhir Kumar Sharma, did not fulfil the medical fitness requirements, is not borne out by the findings of the Medical Board. It is also further observed that the applicant has submitted/rejoinder, which, among other things, alleges that the respondent No.4 suffered from other medical ailments. There is no such ailment having been informed by the Medical Board as

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borne-out in the Medical Examination Report as mentioned above. To the allegations by the applicant that respondent No.4 did not meet the requisite educational qualification, the written submission made by the respondents clarifies that respondent No.4 possesses Class XII ~~in~~ qualification. It is, thus, observed that both the allegations relating to the medical fitness requirements as well as not fulfilling the requisite education/^{al} qualification by the respondent No.4 made by the applicant are not corroborated by the facts submitted by the respondents, and therefore, are not correct. In fact, the Medical Board has clearly stated in the Medical Examination Report against Sl.No.23 of the prescribed form of medical examination that the respondent No.4 is fit for service.

4. Keeping in view the submissions made by both the sides, and also keeping in view the fact that the applicant has failed to substantiate his own case for selection, we are of the view that there is no merit in the application of the applicant and therefore, we are inclined to dismiss it as devoid of merit. This O.A./^{thus} stands disposed of as dismissed.


(Sarveshwar Jha)
Member (Admnv.)


(N.N. Singh)
Vice Chairman

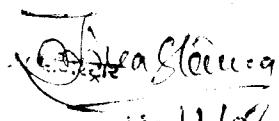
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Head Secretary
15/11/03

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