

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR BENCH, JABALPUR

Original Application No. 33 of 1999

Jabalpur, this the 9th day of January, 2004.

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

Law Kumar Singh
aged about 28 years,
S/o Late D.M. Singh,
Lower Division Clerk,
V.L.C. Section,
Ordnance Factory Khamaria, Jabalpur
R/o Type One, 11/1, Khamaria
Estate, Jabalpur(MP)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,
Through the Secretary,
Department of Defence,
Government of India,
New Delhi.
2. Chairman,
Ordnance Factory Board,
10-A, Saheed Khudiram Bose Road,
Calcutta - 700001(W.B.)
3. General Manager,
Ordnance Factory Khamaria,
Jabalpur(MP)
4. Anil Kumar Upadhyaya,
Data Entry Operator,
Bill Group Section,
Ordnance Factory Khamaria,
Jabalpur.
5. Umesh Kumar,
Data Entry Operator,
E.D.P. Section
Ordnance Factory Khamaria,
Jabalpur(MP)

RESPONDENTS

(By Advocate - Shri Harshit Patel on behalf of
Shri S.C. Sharma)

O R D E R (ORAL)

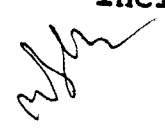
By M.P. Singh, Vice Chairman -

None is present on behalf of the applicant. This is an old matter of the year 1999, we are disposing of the same in the absence of the learned counsel for the applicant by invoking the provision of Rule 15 of Central Administrative Tribunal(Procedure) Rules 1987, after perusing the available pleadings and hearing the learned counsel for the respondents.

2. By filing this O.A., the applicant has sought to quash the order dated 3.9.1998 (Annexure A-11) and to declare that the entire selection process is vitiated on account of having been held in a discriminative and arbitrary manner thereby violating the provisions of Articles 14 and 16 of the Constitution of India. He has also sought a direction to respondent no. 3 to appoint him as Data Entry Operator.

3. The admitted brief facts of this case are that the respondents had advertised 7 posts for recruitment to the post of Data Entry Operator. Out of these seven posts, six posts were unreserved and one post was reserved for ST candidate. The contention of the applicant is that the respondents Nos. 4 & 5, who have been selected, did not possess the requisite qualifications. He has also stated that the test was conducted by the respondents on wrong machine i.e. Personal Computer instead of Data Entry Machine which not only deprived the applicant and other candidates for fair selection but also prevented them from proving their capability. He has further stated that by selecting respondents Nos. 4 & 5, who did not possess the requisite qualifications, the applicant has been deprived of the selection to the post of Data Entry Operator.

4. The respondents have filed their reply stating that the selection for 7 posts of Data Entry Operator was made by them. Out of 7 posts, 6 posts were reserved for General candidates and 1 post was reserved for ST candidate. The applicant, who belongs to the General Category, was placed at serial no. 7 in the merit list. It is further submitted by the respondents that there being only 6 vacancies for the General category candidates, the applicant could not be included in the select panel for the post of Data Entry Operator.

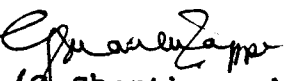


According to the respondents, they have judged the performance of the candidates by way of speed test on the Electronic Data Processing Machine. According to the respondents, the applicant is ~~now~~ request that he should have been allowed to appear for the test on Data Entry Machine on which he did practice for preparing himself for the said test/ ^{could not be allowed.} At the time of test no candidate including the applicant, expressed any kind of difficulty. The selection has been made by the duly constituted Selection Committee which conducted the test, interview and thereafter prepared a select list as per prescribed procedure and Rules. In view of this, the application does not merit for consideration and, therefore, deserves to be dismissed.

5. Heard the learned counsel for the respondents.

6. We have carefully perused the pleadings and the submissions made by the learned counsel. We find that there were 7 posts for Data Entry Operator which were filled up by the respondents. The respondents had conducted the test as per procedure and Rules and selected 6 General candidates. The applicant was placed in the merit list at serial no. 7. Since there being only 6 vacancies for General candidates and the applicant, who belongs to General category, could not be selected. The contention of the applicant that the respondents Nos. 4 & 5 did not possess the requisite qualifications and also the test was not properly ^{conducted &} done by the respondents is without evidence and, therefore, is not tenable. In view of the facts ^{narrated by the respondents} /it is seen that the respondents have conducted the test and selected the persons including respondents Nos. 4 & 5 in accordance with the procedure and Rules.

7. In view of the above discussion, the O.A. is dismissed. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice-Chairman

/SKM/