

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.667/2000

Jabalpur, this the 26<sup>th</sup> day of February, 2004

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

Late  
Umesh Kumar Kurele s/o/Sh. P.C.Kurele,  
aged about 36 years, Driver,  
Wireless Monitoring Station,  
B-66, Near Manisha Market,  
Shahpura, Bhopal (MP). ...Applicant

(By Advocate: Shri S.P.Pathak for Gobind Upadhyay)


-versus-

1. Union of India through  
Secretary,  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi.
2. Wireless Advisor,  
Department of Telecommunication,  
Wireless Planning and Coordination Cell,  
Room No. 350, Dak Bhawan, Sansad Marg,  
New Delhi- 110 001.
3. The Director,  
Wireless Monitoring Organisation,  
Department of Telecommunication,  
E-Block, 3rd Floor, Pushpa Bhawan,  
Madangir Marg,  
New Delhi.
4. Officer Incharge,  
Wireless Monitoring Centre,  
Department of Telecommunication,  
B-66, Manisha Market,  
Shahpura, Bhopal (MP).
5. Shri Anuj Narayan,  
Technical Assistant,  
Grade-II, Wireless Monitoring Centre,  
Bhopal B-66, Manisha Market,  
Shahpura, Bhopal (MP).
6. Shri Ashok Kumar Verma  
Technical Assistant Grade-II,  
Wireless Monitoring Centre, R/o  
in front of Jagat Society,  
Post Ghatlodiya, Ahamdabad(Gujarat). Respondents

(By Advocate: None)

O R D E R

By G.Shanthappa, Member (J)

 By filing this application the applicant has

sought the following main reliefs:-

i) To direct the respondents to consider the application of applicant for the post of Technical Assistant Grade-II and conduct an interview and as applicant is better qualified and having better experience than respondents No. 5 & 6 he shall be given appointment to the post of Technical Assistant Grade-II with retrospective effect from the date when the first person was appointed pursuant to the selection made with regard to advertisement published in November, 1993."

2. The brief facts of the case are that the applicant is challenging the selection process as well as the selection of respondents no. 5 & 6 to the post of Technical Assistant Grade-II in pursuance to the advertisement published in Employment News dated 20 - 26 November, 1993. Under the said selection process, the requisite qualification and experience were published. The last date of submission of the application was 6.12.1993.


2.1 According to the advertisement, the applicant submitted his application to the respondent no. 3 through proper channel on 29.11.1993, which was forwarded by the officer In-charge of the applicant's Centre on 29.12.1993. The applicant has also sent a copy of the application under U.P.C. to respondent no. 2 as well as respondent no. 3. It is further submitted that the applicant was having all the essential qualifications, as prescribed in the advertisement. Admittedly, the last date of receipt of the said application was 6.12.1993, and the application of the applicant reached to the officer concerned on 29.12.1993, which was received after the last date.

2.2 The case of the applicant is that since he is better qualified and he had submitted his application through proper channel, there is no mistake on his part if the forwarding authority has delayed in sending the



same to the appropriate authority. Hence, the action taken by the respondents is illegal and he should be considered after cancelling the selection of respondents no. 5 & 6 by allowing the O.A.

3. The respondents have filed their reply stating that there is no employee by the name of Ramesh Kumar Kurele working in the Wireless Monitoring Station at Bhopal. The only individual having any similarity would be Shri Umesh Kumar Kurele, Driver at the Monitoring Station, Bhopal. Thus the application is not in order and accordingly needs to be dismissed. They have further stated that the applicant was required to complete his form for the post of Technical Assistant Grade II by the 6th of December, 1993, whereas the applicant only submitted his application form before the respondent no. 4 i.e. the officers Incharge, Wireless Monitoring Station Bhopal on 29.12.1993. Accordingly, the respondents have rejected his application on the ground that the application is belated. Respondents have further contended that the application dated 29.12.1993 with covering letter dated 29.12.1993 of the officer Incharge was received in the office of the Director (WM), New Delhi on 6.1.1994. On 17.1.1994, the application of Shri Umesh Kumar Kurele, the then Chowkidar was forwarded to the Director of Employment and Training, Ministry of Labour vide covering letter dated 17.1.1994. The application of Shri Umesh Kumar Kurele was returned with the communication that according to the instructions issued by the DOPA&R contained in Office Memorandum dated 14.11.1975, employee working in the same Ministry/Department can be considered alongwith other employment exchange candidates provided that they fulfil the requisite qualifications etc. as laid down for the post.



The contention of the applicant that  
3.1 ~~Under~~ <sup>he</sup> the said selection process, the respondent nos. 5 does not fulfil the essential qualification is totally baseless and contrary to the facts. In fact, the respondent no. 5 has got the essential qualification and he has also got merit in the matriculation examination. The respondent no. 6 was recruited pursuant to advertisement no. 6/93 under the Special Recruitment Drive for SC/ST. The respondent no. 6 possessed the required qualification as per the advertisement and in support of this fact the respondents have annexed the application marksheets of the ~~app~~ <sup>he</sup> respondent no. 6. Accordingly, he was selected and both of them are working since then.

3.2 Since the applicant has not filled up the complete application form and he has submitted his application after the last date of receipt of applications as per the advertisement, he has no justification for asking for cancellation of selection process on the ground that respondents nos. 5 & 6 are not qualified. Hence, the O.A. is misconceived and is liable to be dismissed.

4. Since none is present on behalf of the respondents and the O.A. being an old one pertaining to the year 2000, we are disposing of the O.A. by invoking the provisions of Rule 16 of the CAT (Procedure) Rules, 1987 and after hearing the learned counsel for the applicant.

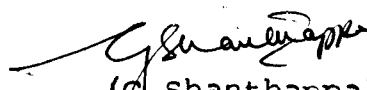
5. The short dispute involves in this case is whether the applicant has submitted his application well within the stipulated time. According to the applicant, he had submitted that the last date of receipt of application form was 6.12.1993 and his application was forwarded to the officer-in-charge of his office by a covering letter dated 29.12.1993. The respondents have stated that they have received the application form of the applicant alongwith forwarding letter only on 29.12.1993 i.e. after the last date of receipt of the applications for the post of Technical Assistant


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Grade-II. Moreover, the applicant did not care to send his application well within the stipulated time. Hence, the respondents have rightly rejected the application form of the applicant and considered the candidates who fulfilled the eligibility criteria and selected them. Meaning to say that respondents no. 5 & 6 were possessing the requisite qualifications and were qualified enough to be selected and, therefore, their selection is in order. The applicant has himself submitted his application showing his name as Ramesh Kumar Kurele in the Original Application filed before this Tribunal but subsequently he has amended his name as Umesh Kumar Kurele. The respondents in their reply also asserted that they have received the application of one Shri Ramesh Kumar Kurele.

6. In view of the facts and circumstances of the case, we are of the considered view that the respondents have not committed any illegality or irregularity while rejecting the application form of the applicant on the ground that the same had reached to them after the last date of receipt of application forms. Moreover, since the selected candidates have already worked for a number of years, at this stage to disturb the selection process is improper that too on the mistake committed by the applicant himself.

7. In view of the above observations, the O.A. is bereft of any merit and the same is accordingly dismissed. No Costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

/na/

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

परिमिति अथवा विषय:-

- (1) सचिव, उच्च न्यायालय जबलपुर, जबलपुर
- (2) अध्यक्ष, उच्च न्यायालय जबलपुर, जबलपुर
- (3) प्रमुख, उच्च न्यायालय जबलपुर, जबलपुर
- (4) जज, उच्च न्यायालय जबलपुर, जबलपुर

सूचना एवं जानकारी के लिए

उप रजिस्ट्रार

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