

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.165/2014
with
M.A.No.2707/2014
in
O.A.No.593/2013

Order Reserved on: 27.01.2016
Order pronounced on 24.02.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri V. N. Gaur, Member (A)

1. Asha Nautiyal
Aged 43 years
R/o Village Makauranekha
Gularghati, Dehradun, Uttrakhand.

2. Ravi Mohan Sharma
S/o Late Sh. Ramprasad Sharma
aged 41 years
T-III/42 CPWD Colony
Sector-7, Vidhyadhar Nagar
Jaipur
Presently posted at JCD-1, Jaipur.

3. Ram Sahai Gurjar
S/o Shri Banna Ram Gurjar
Aged 41 years, Plot No.2
Sankar Vidhar
Sarvad Tagore, Jaipur
Presently posted at JCD-2, Jaipur.

4. Nazrudin
S/o Shri Nizamuddin Khan
Aged 41 years
B-743, Sanjay Nagar

Bhatta Basti, Shashtri Nagar
Jaipur
Presently posted at JCD-1, Jaipur.

5. Inder Singh Rajawat
S/o Manfal Singh
Aged 41 years
R/o 33/II, CPWD Colony
Civil Lines, Ajmer
Presently posted at ACD, Ajmer.

6. Mohan Lal Danga
S/o Late Chand, aged 42 years
R/o 21/III, Ashok Nagar Bhatta,
Ajmer
Presently Posted as ACD, Ajmer.

7. Rajendra Kumar Meena
S/o Shri Ram Niwas Meena
Aged 39 years, Q.No.127 T-I, Nirman Parisar
Sector 7
Vidhyadhar Nagar,
Jaipur
Presently posted at JEC, Jaipur.

8. Pradhan Meena
S/o Shri Jagan Ram Meena
Aged 42 years
By Caste Meena
R/o Q.No.T-I 134,
GPRA Colony
Sector-VII, Vidhyadhar Nagar
Jaipur
Presently posted at JCED, Jaipur.

9. Bijendra Kumar Meena
Aged 40 years
Presently posted at Chandigarh Centre Circle
CPWD

Chandigarh.

10. Sant Ram

Aged 40 years

Presently posted at Chandigarh Centre Electric Circle-02

CPWD, Chandigarh.

11. Ram Prasad Yadav

S/o Shri Thalur Prasad Yadav

Aged 45 years

Presently posted at Chandigarh Centre Division-2

CPWD, Chandigarh.

.... Applicants

(By Advocate: Sh. Rishi Jain)

Versus

1. Union of India

Through its Secretary

Ministry of Urban Development,

Nirman Bhawan

North Block

New Delhi.

2. Director General (Works)

CPWD, Nirman Bhawan

New Delhi.

3. Superintendent Engineer Coordination Circle (Civil)

CPWD, East Block, R.K.Puram

New Delhi.

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Respondents

(By Advocate: Sh. A.K.Singh)

ORDER

By V. Ajay Kumar, Member (J):

The applicants, who are working as Class IV employees, filed the OA questioning the action of the respondents in fixing the cut off

marks for SC/STs at 40% and also sought for setting aside of OM dated 23.03.2004.

2. This Tribunal, noticing that the applicants, who belongs to SC/ST categories, have participated in the selection process whereunder the cut off marks were fixed for SC/ST at 40% as per OM dated 23.03.2004 and only when they came to know about their non-selection due to non-securing of the said required qualifying marks of 40% in the examination, filed the OA, following a decision of the Hon'ble Apex Court in **Madan Lal & Others v. State of J & K and Others**, AIR 1995 SC 1088, dismissed the OA.

3. The applicants in the OA, filed the present Review Application along with MA 2707/2014 for condonation of delay in filing of the RA. For the reasons stated in the MA, the same is allowed and the delay is condoned.

4. The review applicants mainly submitting that this Tribunal while dismissing the OA, not made any observation regarding OM of 1970, wherein the qualifying criteria of 40% for General Category and 30% for SC/ST category has been laid down.

5. This Tribunal dismissed the OA solely by following the Hon'ble Apex Court's decision in **Madan Lal** (supra) wherein it was held that if a candidate takes a calculated chance and appears at the interview then, only because the result of the interview is not palatable to him, he cannot turn around and subsequently contend that the process of

interview was unfair or selection committee was not properly constituted, as the said decision squarely applicable to the applicants.

6. Hence, in the circumstances, and for the aforesaid reasons, we do not find any merit in the RA and accordingly, the same is dismissed. No costs.

(V. N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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