

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00027/2018

Dated Tuesday the 6th day of February Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

A.Kalaiselvan,
S/o. Alagarsamy,
No. 7/38, Subramani Koil Street,
Sulur Tk, Coimbatore 641668.Applicant

By Advocate M/s. J. Tamil Arasan

Vs

1. Union of India,
rep by its Secretary,
Ministry of Environment & Forest (MoEF),
Parivaran Bhavan, CGO Complex,
Lodhi Road,
New Delhi 110003.
2. The Indian Council of Forestry
Research & Education,
P.O., New Forest, Dehradun, Uttar Pradesh,
Rep by its Secretary.
3. The Director,
Institute of Forest Genetics & Tree Breeding,
P.B. No. 1061, Forest Campus,
R.S. Puram,
Coimbatore 641002.Respondents

By Advocate Mr. M. T. Arunan

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “a) For quashing of the order No. CTR-I/2-1/2017 dated 08.12.2017 issued by the 3rd respondent herein, as illegal and void.
- b) For a declaration that the applicant is entitled to be appointment as Driver (Ordinary grade) in the 3rd respondent institute.
- c) And for a consequential direction to the 3rd respondent that to consider the applicant for the appointment to the post of Driver (Ordinary grade) in the 3rd respondent institute and
- d) For such further or other relief or reliefs as this Hon'ble Tribunal may deems fit and proper in the circumstances of the case and thus render justice.”

2. Heard both sides. The applicant is aggrieved by the impugned Annexure A-12 notice of the respondent institute dated 08.12.2017 by which three posts of Driver were decided to be kept vacant for fresh notification. It is submitted that the applicant participated in the selection for the post of Driver notified by Annexure A-9 Advertisement No. 1/IFGTB/2017. The applicant was shortlisted and called for a written examination which he qualified. Subsequently, he was called for a driving skill test. However, the applicant was not selected after the driving skill test.

3. It is alleged that the respondents did not have any criteria for selection and their rejection of the applicant's candidature was utterly arbitrary and whimsical in as much as Annexure A-12 notice does not

contain any information on the criteria adopted for selection and the score obtained by the applicant thereagainst. It is accordingly submitted that the impugned notice dt. 08.12.2017 was liable to be quashed as illegal and void and that the applicant held to be entitled to an appointment as a driver in the 3rd respondent office.

4. Learned counsel for respondents, however, submits that the applicant failed the driving skill test as his performance during the test was not found to be of the desired standards. The selection had been conducted by strictly adhering to the procedure prescribed in the rules under which only one person qualified the test. The respondents had decided to keep the remaining three posts vacant for fresh notification. It is submitted that merely because the applicant was not selected, he could not make a preposterous allegation of absence of any criteria for selection.

5. After a careful consideration of the facts as submitted by the rival counsel and perusal of the OA, I am of the view that the applicant has not supported his allegation of absence of criteria or an arbitrary / whimsical process of selection with any evidence. If the applicant wished to know the exact criteria adopted and the assessment of the applicant by the Selection Committee thereagainst, he could have sought such information under the RTI Act and based on such information, if the applicant was satisfied that an irregularity

had been committed in the selection process, he was at liberty to question the same before this Tribunal. However, he has chosen to file this OA without any information whatsoever, making baseless allegations against the respondents, simply because he was not selected.

6. OA is completely devoid of merits and is dismissed accordingly.

(R. Ramanujam)
Member(A)
06.02.2018

SKSI