

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD**

ORIGINAL APPLICATION Nos.020/1413/2018 &
020/1181/2012

DATE OF ORDER : 17-12-2018

Between :-

Vasupalli Rupesh Rao S/o Dhanaraj,
Aged about 21 years, R/o D.No.57-24-144,
Thummadepalem, Kancharapalem,
Visakhapatnam-530 008.Applicant (in OA No.1413/2012)

M. Laxmana Rao S/o M.Potha Raju,
Aged about 22 years, Occ : Unemployee,
D.No.23-3-3, Bokkaveedhi,
Visakhapatnam-530 001.Applicant (in OA No.1181/2012)

And

1. Union of India Rep by its Sr. Administrative Officer,
Fishery Survey of India, Botawala Chambers,
Sir P.M.Road, Fort Mumbai-400 001.
2. The Zonal Director, Fisheries Survey of India,
Beach Road, Visakhapatnam-530 001.
3. The Senior Fisheries Scientist,
Fisheries Survey of India,
Beach Road, Visakhapatnam-530 001.
4. Mr. Pankaj Kumar Jena, Sr. Deckhand
5. Mr. Olisetty Eashwar Rao (OC), Sr. Deckhand
6. Mr. Barri Ramudu (OC), Sr. Deckhand
7. Mr. Rakesh PR (OBC), Sr. Deckhand
8. Mr. Mamidi Durga Prasad, Sr. Deckhand
9. Mr. Upendra Kumar, Jr. Deckhand
10. Mr. Chikati Uma Sankara Rao, Jr. Deckhand
11. Mr. Maddala Anand Kumar (OBC), Jr. Deckhand
12. Mr. Rangisingi Eashwar Rao (ST), Sr. Deckhand...

....Respondents (in both OAs)

Counsel for the Applicants : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC

CORAM :

THE HON'BLE JUSTICE SHRI L.NARASIMHA REDDY : CHAIRMAN

THE HON'BLE SHRI B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

(Order per Hon'ble Justice Shri L. Narasimha Reddy, Chairman)

Since the same notification was challenged in both the Original Applications, they were clubbed together, heard together and disposed of by a common order.

2. A notification was issued in the Employment News 6-12 August, 2012 inviting applications against five vacancies of Sr. Deck hand and four vacancies of Junior Deckhand in the Department of Fishery Survey of India.

3. The applicants in these two OAs were not selected for the posts and hence they have filed these Original Applications challenging the procedure adopted by the Respondents and the selection of the Respondents 4 to 12 in OA No.4 to 12 in OA No.1413/2012.

4. The applicants contend that though the 2nd Respondent addressed letter to the local Employment Exchange to sponsor candidates and the local Employment Exchange forwarded a list of candidates which included the names of the applicants also. They contend that instead of restricting the

consideration for the posts to the candidates sponsored by the Employment Exchange, the Respondents widened the scope of consideration by publishing a notification in Employment News and by considering the cases of others. The applicants have also stated that the Respondents have followed procedure which does not have any stipulated norms and the entire exercise is arbitrary in nature.

5. On behalf of the Respondents counter has been filed in the respective Original Applications. It is stated that, in response to the letter addressed to the local Employment Exchange wherein the qualifications should be possessed by the candidates, the concerned officer has expressed his inability about the condition about 'experience'. The Respondents further contended that as required under the law and with a view to provide opportunity to as many candidates as possible, the notification is also published in the Employment News.

6. As per the selection, it is stated that a Committee of the Senior Officers was constituted and the said Committee itself evolved an objective procedure and the candidates were selected accordingly.

7. We have heard Mr. K. Sudhakar Reddy, learned counsel appearing for the applicants and Mr. V. Vinod Kumar, learned Sr. Central Government Standing Counsel for official Respondents in both the OAs. Mr.K.R.K.V.Prasad, learned counsel representing Respondents 4 to 12 was also present and heard.

8. The nine posts in all were advertised by the Respondents. An attempt was made to get the candidates sponsored through Employment Exchange. One of the qualifications stipulated for the post was that one should have atleast one year experience in the concerned activity. The Employment Exchange expressed its inability to identify the candidates with experience in as much as, in the Registration, whatever, would not be with reference to any experience. A list of candidates was forwarded that included the names of the applicants. The applicants do not have any grievance that their names were not considered. On the other hand, it is in the opposite direction that they did not want the candidates other than those sponsored by the Employment Exchange to be considered.

9. Through a series of judgments, the Hon'ble Supreme Court and the High Courts declared that in the context of employment, the consideration cannot be confined only to those candidates who were sponsored by the Employment Exchange. In other words the Employment Exchange cannot be treated as the only source for supplying the list of candidates. The issuance of a public notice would result in providing opportunity to all the eligible candidates. Therefore the contention of the applicants that the Respondents ought not to have issued notification in the Employment News is not accepted.

10. Coming to the method of selection of the candidates, it needs to be observed that a Departmental Committee comprising of six senior officials of the department and other related department was constituted and that it evolved a procedure. Broadly stating, the following procedure was evolved :

(a) 25 marks for Rope Splicing ;

(b) 25 marks for Net mending;

(c) 10 marks for Identification of gadgets and Interview for 40 marks.

Having regard to the interview of the duties to be discharged by the selected candidates, none of the components of the Selection Process can be stated to be irrational or irrelevant. The Respondents have also furnished the particulars of the marks that have been awarded to the 264 candidates considered for the post. The list discloses that the most meritorious among them were selected strictly in accordance with the stipulated norms.

11. We do not find any case to interfere with the selection and appointment of the Respondents in both the Original Applications. The question of issuing a direction in favour of the applicants does not arise. Accordingly both the OAs are dismissed as devoid of merits.

12. No order as to costs.

(B.V.SUDHAKAR)
MEMBER (A)

(L.NARASIMHA REDDY)
CHAIRMAN

Dictated in Open Court
Dated : 17th December, 2018

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