

**Central Administrative Tribunal
Madras Bench**

OA/310/01224/2013

Dated 29th day of March Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

G.Manivannan
S/o Late V.Gurusamy,
No.4/478, Raja Sethupathi Street,
PT Murthi Nagar,
Padiyanallur,
Chennai 600 052. .. Applicant
By Advocate **M/s.R.S.Anandan**

Vs.

1. The Union of India, rep by
Commander Works Engineer,
Military Engineering Services,
Pallavan Salai, Chennai 600 002.
2. The Chief Engineer,
Southern Command,
Pune 411 001.
3. The Chief Engineer,
Chennai Zone, Island Ground,
Chennai 600 009.
4. Rashakanta Behera,
Mate (New appointment),
O/o Garrison Engineer,
Thangaiyaha Grate,
Avadi, Chennai-54.
5. Amar Kumar Barik,
Mate (New appointment),
O/o Garrison Engineer,

Thangaiyaha Grate,
Avadi, Chennai-54.

6. Satyabrata Samal,
Mate (New appointment),
Thangaiyaha Grate,
Avadi, Chennai-54.

.. Respondents

By Advocate **Mr.S.Nagarajan**

ORDER

Pronounced by Hon'ble Mr.P.Madhavan, Member(J)

The applicant has filed this OA seeking the following relief:-

“to call for the records relating to the first respondent herein published in Newspaper The Hindu dated 17.10.2012 related to the result for the post of MATES (SSK) based on the written examination held on 2.9.2012 and the consequential final results and quash the same and consequently direct the respondents to conduct fresh selection in a fair and transparent manner by publishing the key answers after conducting written examination and release the list of marks obtained by the each candidates and confer appointment based on the rule of reservation and pass such further or other order as this Tribunal may deem fit and proper in the circumstances of the case and this render justice.”

2. The applicant's case is that he has applied for the post of Mate (SSK) under the respondents as per notification No.132501/LRS/9-10/10-11/11-12/EIB(S) and the applicant had appeared for the written examination on 02.9.2012. He performed well in the written examination but he was not selected when the result was published on 17.10.12. According to him, the respondents have taken 41 new candidates who did not figure in the earlier list and no answer keys were published. According to him, the respondents had published a corrigendum showing the new qualification for the post as Matriculation or equivalent and the date of receipt of application was extended for enabling the candidates to apply for the same. As per the earlier notification, ITI pass was sufficient and he was fully qualified for the same. According to the applicant, the respondents has not followed the Model Recruitment Rules published by the Pay Commission and the action of the respondents in

changing the qualification and conducting the examination etc. was not proper and it is liable to be set aside.

3. The main ground alleged against the respondents is that they had not followed the Model Recruitment Rules and changed the qualification required for the post of Mate. It was also contended that the respondents had issued corrigendum after the last date of application and this has also prejudiced the applicant. The respondents had notified 49 vacancies in the 1st respondent office but they have not published the Trade wise vacancies. The entire selection was not according to the Model Recruitment Rules and there was no transparency and hence the selection to the post of Mate as per notification dated 17.10.12 is liable to be set aside.

4. The respondents entered appearance and filed a detailed reply. They produced the notification and corrigendum issued regarding the selection and details of vacancies and Recruitment Rules etc. before the Tribunal. According to the respondents, they had conducted the examination in a fair and transparent manner. According to the respondents, the applicant failed in procuring the minimum marks and he obtained only 15 marks and hence he was not selected. There had occurred an increase in the vacancy of OBC category and hence an additional 41 number of candidates were included in the select list. The merit list was prepared in the ratio of 1:5 and the persons were called for interview and selection was conducted. According to them, the rules for recruitment was amended and a pass in the SSLC or ITI certificate is considered as sufficient qualification for the post of Mate. It was also mentioned that the option for category to which the applicant was selected was

taken only after the selection and the department gives training to all the selected candidates for the purpose of their job. So, according to them, technical qualification is not a must for the post of Mate.

5. We have heard both sides and anxiously perused the pleadings from both sides. The main point to be considered in this case is whether the applicant was prejudiced due to the issuance of corrigendum after the first notification and whether the recruitment procedure was against the conditions which were stated in the notification. On a careful reading of the Recruitment Rules, it can be seen that as per the Recruitment Rules for Mate the qualification prescribed is only Matriculation or ITI pass. It is because of the Recruitment Rules the corrigendum was issued and the eligibility criteria was changed by the respondents. After the issuance of corrigendum the respondents had given time to file application and it was specifically mentioned in the notification itself that technical qualification as such is not compulsory and there will be training for the selected candidates for doing their work.

6. We have gone through the various records produced by the respondents and it is seen that the respondents had clearly followed the procedure prescribed for the selection of Group-C post and there is no reason for any allegation that the selection was not transparent. On going through the reply statement, it can be seen that the applicant herein was not successful in the examination and he was not selected. He had participated in the written examination and thereafter he has raised all the objections regarding notification and raised the alleged irregularities in this OA. The

respondents had followed the same procedure prescribed by the Model Recruitment Rules in framing the rules and it is for the department to decide the nature of work involved and the nature of technical qualification required in doing the work. Here the respondents is giving training to the selected candidates and there is no requirement of technical qualification. It is because of that the Recruitment Rules were changed and the qualification was modified as Matriculation or ITI. Here the applicant is a holder of ITI Certificate and he was not at all prejudiced by the corrigendum, issued in this case. On the whole, it can be seen that the respondents has satisfactorily complied with all the requirements and procedures to be followed in the selection procedure and per notification issued by them and we do not find any reason to interfere with the selection conducted by the respondents in this matter. There is no merit in the allegation raised in the application.

7. In view of the above, we are of the opinion that the applicant has failed in showing that the selection procedure was improper and non-transparent and against the Recruitment Rules before the Tribunal. Accordingly we find the point against the applicant. OA stands dismissed. No costs.

(T.Jacob)
Member(A)

29.03.2019

(P.Madhavan)
Member(J)

/G/