

reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS: BILASPUR

Transferred Application No.63 of 2013
{Writ Petition (S) No.151 of 2009}

Jabalpur, this Tuesday, the 15th day of January, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. To 6 – deleted

**7. S.G.Mune, P.No.140511, aged about 49 years,
S/o late Shri G.H.Mune, CO & CCD Chargeman.**

**8. Anu Kumar, P.No.141218, aged about 49years,
S/o late Shri J.L.Tarak, S.M.S. Master Technician.**

9 & 10 - deleted

**All employees of Bhilai Steel Plant, Steel Authority
Of India Limited, Bhilai Nagar, Tah.&**

Distt. Durg (C.G.)

- Petitioners

(By Advocate –Shri V.G.Tamaskar)

V e r s u s

**Steel Authority of India Ltd.,
Through : Managing Director, Bhilai Steel Plant,
Ispat Bhawan, Bhilai Nagar, Tah.& Distt.**

Durg. (C.G.)

- Respondents

(By Advocate –None)

(date of reserving the order : 09.01.2019)

O R D E R

By Navin Tandon, AM:-

This petition pertains to the year 2009. Since none was present on behalf of the respondents, we have decided to decide the matter in absence of counsel for the respondents, by invoking the provisions of Rule 16(1) of the Central Administrative Tribunal

(Procedure) Rules, 1987. Accordingly, we have heard the learned counsel for the applicant and perused the pleadings of both the parties.

2. The petitioners are aggrieved by their non-promotion by the respondents.

3. Originally there were 10 petitioners. However, as per orders dated 01.02.2011 passed by the Hon'ble High Court, the petitioners Nos. 1 to 6, 9 & 10 were deleted from the array of parties.

4. The petitioners have made following submissions:-

4.1 In response to circular dated 19.07.2008 (Annexure P-5) issued by the respondent, the petitioners applied for the post of Junior Officer. The written examination was conducted on 28.09.2008.

4.2 From a local news published in Danik Bhaskar, Raipur dated 17.10.2008 (Annexure P-8), the petitioners came to know that about 20% of the candidates who appeared in the written test committed mistakes in Optical Marking Record (for brevity 'OMR'). Therefore, the answer sheets were checked manually. This procedure is in violation of rules of examination published on 19.09.2008 (Annexure P-6).

4.3 Hon'ble Calcutta High Court in identical situation has stayed the entire proceedings of promotions of non-executive to executive grade owing to manual checking, as is evident from news published in Nai Duniya Bhilai Durg dated 29.12.2008 (Annexure P-11)

5. The petitioners have sought for following reliefs:

“10 (i) That the Hon'ble Court be pleased to call for entire record of written test conducted on 28.09.2008 for promotion of non-executive to executive cadre, and peruse the same,

(ii) That the Hon'ble Court be pleased to quash the written test conducted by respondent as per circular no.M&R-46/2008 dated 28.09.2008 Annexure P-7 by issuing appropriate writ, direction or order.

(iii) That the Hon'ble Court may be pleased to mould the relief as and when deemed fit in the interest of justice.

(iv) That the Hon'ble Court be pleased to issue any other writ or writs order or orders direction or directions deemed fit in the interest of justice”.

6. The respondent-Steel Authority of India Limited, in their reply have submitted as follows:-

6.1 The instant petition has been filed challenging the promotion process on the basis of newspaper publication. The report of the newspaper is false and baseless and is in deviation to the factual position.

6.2 The personal details on the OMR is validated on the system by matching the shaded bubbles picked up by the OMR scanning machines with the factual ones.

6.3 The written test was conducted and the answers marked by the employees on the OMR answer sheets were scanned with the help of an OMR machine after the written test and the evaluation process was computer based. No manual process was adopted for evaluation of any OMR.

6.4 It has been denied that in an identical situation the Hon'ble High Court of Calcutta has stayed the entire proceedings of promotion of non-executive to executive cadre owing to manual checking. It has been reiterated that the said news item (Annexure P-11) is factually incorrect.

6.5 A writ petition has been filed by certain petitioners before the Hon'ble Calcutta High Court challenging the revised promotion policy. The Hon'ble High Court admitted the petition and the said petition is pending and no stay has been granted in the said case (Annexure R-1).

6.6 The process of promotion from non-executive to executive cadre has been conducted as per the rules and regulations under the revised promotion policy.

6.7 The allegation as made out by the petitioners on the basis of the press clipping is factually incorrect and, therefore, the petition deserves to be dismissed in limine.

7. Heard the learned counsel of both sides and carefully perused the pleadings of the respective parties and the documents annexed therewith.

8. We find that the sole stand of the petitioners for challenge is based on the press clippings, which has been specifically rebutted by the respondent. The petitioners have failed to rebut the contentions raised by the respondents in their reply, by filing any rejoinder. Since no illegality or irregularity has been pointed out by the petitions in the impugned selection, we do not find any merit in this Transferred Application.

9. In the result, the Transferred Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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