

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1415/2016

Dated Friday, the 26th day of April, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

Anebousselvane C

Storekeeper, Department of Anesthesiology

JIPMER, Puducherry.

... Applicant

By Advocate M/s B. Abdulsamath

Vs.

1. Jawaharlal Institute of Post Graduate

Medical Education & Research (JIPMER)

Rep. By its Director, Dhanvantri Nagar

Puducherry – 605 006.

2. The Deputy Director (Admin)

Jawaharlal Institute of Post Graduate

Medical Education & Research (JIPMER)

Rep. By its Director

Dhanvantri Nagar

Puducherry – 605 006.

... Respondents

By Advocate Mr. M.T. Arunan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Both sides represented through proxy counsel.

2. On perusal, it is seen that the applicant has challenged the Annexure A-16 order dated 31.08.2016 by which the competent authority, in pursuance of the order of this Tribunal in OA 1270/2012 dated 07.06.2016 rejected the claim of the applicant to be appointed ahead of one G.Ramesh consequent upon the reduction of one mark in the latter's case and the resultant tie in the marks secured by the applicant and the said G.Ramesh in the written examination. It is seen from the impugned order that as per policy, if two or more candidates secured equal marks in the aggregate, the tie(s) would be resolved in accordance with the following principles:

“(a)If the marks in aggregate are equal, the candidate getting more marks in written test will be ranked higher.

(b)If the marks in written test are also equal, the candidate senior in age will be ranked higher.”

3. It is stated that since the said G.Ramesh, Security Guard was senior in age, he was ranked first and above the applicant

who was ranked second. From the details of the age furnished therein, it is seen that the said G.Ramesh was born on 14.06.1972 whereas the applicant was born on 28.07.1979.

4. In view of the clear policy regarding tie and the correct application of the same in the instant selection process, we are unable to find fault with the impugned order. We also note that the selected candidate has not been impleaded in this OA as a necessary party which shows that the OA is frivolous.

5. OA is devoid of merits and is accordingly dismissed. No costs.

(P.MADHAVAN)
MEMBERJ)

26.04.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.