

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/01194/2014

Date of order : 8.9.2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

SAGUPTA PARWIN & ANR.

VS

UNION OF INDIA & ORS. (CLW)

For the applicants : Mr.A.Chakraborty, counsel

For the respondents : Mr.A.K.Banerjee, counsel

O R D E R

The applicant a Master's degree holder as claimed^{at the bar b.h.} is aggrieved due to her appointment on compassionate ground granted against Group 'D' post of Safaiwala/Cleaner vide orders dated 8.8.14 and 11.8.14. She is aggrieved by the fact that although she had participated in a selection comprising of written test on 24.12.13 which was cancelled. Thereafter she participated in the written test and viva held on 4.3.14 and qualified. She was again called for written test on 2.4.14 which she could not appear. This was followed by written test on 23.5.14 followed by viva and qualified for appointment in Group 'C' category. She was not granted appointment against a Group 'C' post. Instead she was made to serve as a Safaiwala/Cleaner.

2. Per contra refuting the facts the respondents have categorically pointed out in their reply that the applicant was given four chances to clear the selection/screening test for Group 'C' category. Every time she failed to appear. Such screening test^{were b.h.} was held on 19.6.13 postponed to 15.9.13, then again on 24.12.13, 2.4.14 and finally on 23.5.14. She appeared on 23.5.14 but she failed. As such on humanitarian ground she was offered appointment on Group 'D' category despite having qualification for consideration against Group 'C' post.

3. This Tribunal had directed the respondents to indicate by way of an affidavit the reason for cancellation of the first selection in which the applicant has claimed to have qualified. Upon affidavit the respondents have disclosed

that in terms of advice of CVO/CLW due to a report of malpractice the examination was directed to be cancelled. The Id. Counsel for the respondents also handed over the result of the selection for Group 'C' post on compassionate ground, held on 23.5.14 prepared on 24.5.14. In the result the applicant figures at Sl. No.5 as suitable for Grade Pay ^{of Rs.} Rs.1800 i.e. against a Group 'D' post. It has been specifically mentioned in the said result that candidates who were not found fit for Group 'C' post in PB-1 Rs.5400-20,200 (RSRP) + GP RS.1900 have been recommended by the committee for posting in PB-1 with GP Rs.1800 against Group 'D' post. Thus even if the applicant seeks benefit of the said selection she had qualified not against a Group 'C' post but against a Group 'D' post.

Further the records reveal that the applicant failed to qualify in the selections held on 13.12.13, 24.12.13, and 5.7.13. On 5.7.13, once again as she could not qualify against Group 'C' category, she was included in the list of Group 'D' candidates recommended for appointment on compassionate ground. Thus at no point of time the applicant ever qualified against the Group 'C' category as claimed by her.

4. In the present OA it is noticed that the applicant has failed to challenge the cancellation order of the first selection held on 4.3.14 in which she claims to have qualified. I also note that the applicant has happily subjected herself to the successive examinations held thereafter with full knowledge of the fact that the first examination wherein she participated was cancelled by the authorities. She accepted the position with open eyes.

5. In view of the above, since the applicant has failed to challenge the cancellation order of such selection no benefit can be granted in the present OA. It is accordingly disposed of without any orders with liberty to the applicant to challenge the cancellation order of the selection held on 4.3.14 if so advised.

6. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (A)

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