

6

Central Administrative Tribunal
Principal Bench

O.A. No. 2139 of 2001

New Delhi, dated this the 28th JANUARY 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Mohd. Iqbal,
Junior Engineer-I(Works),
Northern Railway,
Gajroula, U.P.
2. Dinesh Chand Khare,
Junior Engineer-I (Works),
Northern Railway, Balamau, U.P.
3. Anil Kumar Sharma,
Junior Engineer-I (Works),
Northern Railway,
Chandpur Siau, U.P. .. Applicants

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Moradabad, U.P.
3. The Senior Divisional Personnel Officer,
D.R.M. Office, Northern Railway,
Moradabad, U.P. .. Respondents

(By Advocate: Shri E.X. Jospeh, Sr. Counsel
with Shri V.S.R. Krishna)

ORDER

S.R. ADIGE, VC (A)

Applicants challenge the selections made to the posts of Section Engineer (Works) (Rs.6500-10500) vide impugned order dated 27.6.2001 (Annexure A-1) and seek holding of fresh selection with consequential benefits. 2



2. The grounds of challenge are

- i) the questions contained in the examination held on 21.7.2001 had been leaked out in the evening of 20.7.2001 and which had been brought to the notice of the authorities by applicants vide representation dated 21.7.2001.
- ii) Question No. 4 in that paper on design of division carrying 20 marks was out of syllabus.

3. Respondents in their reply state that selection to fill up 11 posts of Section Engineer (Works) (Rs.6500-10500) on the basis of written test were scheduled for 21.7.2001 and 28.7.2001. Eleven candidates appeared in the written test on 21.7.2001 and the remaining candidates appeared in the supplementary test held on 28.7.2001. The question paper on both dates was different. Some of the candidates who appeared in the written test held on 21.7.2001 submitted a representation to the authorities that one question on that paper was out of course. Their representation was duly considered by the competent authority i.e. ADRM, Moradabad in consultation with the Selection Committee and it was decided to delete the disputed question from the paper scheduled on 21.7.2001 and to evaluate the answer sheets out of 80 marks alone, which in turn was moderated to 35 marks as per examination scheme, meaning thereby that ^{the} ~~a~~ disputed question was not allowed to affect the selection proceedings. The answer sheets of papers held on 28.7.2001 were evaluated out of 100 marks, which also were moderated to 35 marks. The candidate who qualified in the



written test were called for the interview scheduled on 3.9.2001. Respondents state further that hence there was no illegality or arbitrariness in the procedure adopted by respondents in evaluating answer books and all the candidates had an equal opportunity for being considered for selection.

4. We have considered the matter carefully.

5. Rule 219 (e) IREM Vol.I empowers the concerned authority to cancel or amend the panel when it is found that there have been procedural irregularities or other defects in the preparation of the same. Such cancellation/amendment can be done with the approval of the authority next higher to the one that approved the panel. In the present case, respondents' own decision to delete⁷ disputed Question No. 4 and to evaluate the answer sheets⁷ out of 80 marks alone, does imply that applicants' contentions about infirmities in the conducting of the examination are not totally without substance.

6. In the interest of maintaining the purity of the selection process, this O.A. is disposed of with a direction to Respondent No.1 (General Manager, Northern Railway) to examine the question scrapping the selection held, and holding fresh selections for the post of Section Engineer (Works) by means of a detailed, speaking and reasoned order in accordance with rules and instructions within two months from the date of receipt of a copy of this order. If upon such examination Respondent No.1 concludes that there

is no need for scrapping the selections already held, they shall record detailed reason for coming to such conclusion. Till such examination is completed, the interim orders passed on 21.8.2001 restraining respondents from declaring the results of the selections held shall continue.

7. The O.A. is disposed of in terms of Para 6 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

karthik