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Central Administrative Tribunal Principal Bench

O.A. No.741 of 1999

New Delhi, dated this the day of 16th March, 2001.

HON'BLE MR. V.K. MAJOTRA, MEMBER(A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Shri Mukesh Kapoor
S/o Shri O.P. Kapoor
Deputy Chief Controller
Northern Railway
Baroda House, New Delhi.
 2. Shri Jawala Prasad
S/o Shri Nanulal
Deputy Chief Controller
Northern Railway
D.R.M. Office,
New Delhi.
 3. Shri S.S. Ahuja
S/o Shri S.D. Ahuja
Investigation Officer(Vig)
Railway Board, New Delhi.
 4. Shri Lajpat Rai
S/o Shri Bhagwan Dass
Deputy Chief Controller
Railway Board, New Delhi.
 5. Shri V.K. Bahl
S/o Shri L.C. Behl
Deputy Chief Controller Northern Railway
D.R.M Office New Delhi.
 6. Shri Bal Mukand
S/o Shri Narain Dass
Northern Railway
- ...Applicants
(By Advocate: Shri S.K.Sawheny)

Versus

1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi.
2. Divisional Railway Manager
Northern Railway
Chelmsford Road
New Delhi.
3. Shri Gopal Krishan
S/o Shri Veerpal Singh
Chief Controller
Northern Railway
D.R.M. Office
New Delhi.
4. Shri Jaimal Singh
S/o Shri ~~Tolu Ram~~
Chief Controller
Northern Railway
D.R.M. Office
New Delhi.
5. Shri S.S. Sahani
S/o Shri K.L. Sahani
Chief Controller
Northern Railway
D.R.M. Office
New Delhi.

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- (A)
6. Shri Kanhaiya Jee Srivastava
S/o Shri Mangal Charan
Chief Controller
D.R.M. Office,
New Delhi.
7. Shri Anurag Saran Malhotra
S/o Shri Bal Krishan
Deputy Chief Controller
Northern Railway
D.R.M. Office,
New Delhi.
8. Shri Amarjeet Singh
S/o Shri Bada Singh
Deputy Chief Controller
Northern Railway
D.R.M. Office, New Delhi.
- (By Advocate: Shri B.K. Aggarwal)

... Respondents

ORDER (Oral)

By Shri V.K. Majotra, Member(A).

The applicants, six in number, have challenged order dated 2.9.98 (Annexure A-1) whereby a provisional panel for post of Chief Controller grade Rs. 2375-3500/7450-11500 was formulated on the basis of a written test held on 16.5.98 and 23.5.98 followed by viva-voce on 29.5.98. It is alleged that the said provisional panel was prepared in breach of extant rules and instructions on the subject. Among other grounds, the applicants mentioned that Chairman of the Selection Board was on the secret/agreed list of the Vigilance Branch and could not function as such in the Selection Committee which ground alone suffices to vitiate the entire selection proceedings. During the course of arguments, the learned counsel of the applicants brought to our notice that the Chairman of the Selection Board, namely, Shri Shivraj Singh for claiming a false TA had been awarded penalty of reduction of pay by two stages for a period of one year with commulative effect vide order 9.3.97 and another punishment of Censure on 4.9.2000 in another departmental proceedings relating to wrong evaluation of answer-sheets for the selection of Chief Booking

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Supervisors. Whereas the applicant had averred that the Chairman of the Selection Board was on the secret/agreed list of the Vigilance Branch, at the relevant time of selection proceedings the respondents, in their counter, denied the averment. The respondents had been called upon to produce record of selection and also file an affidavit of Sr. Deputy General Manager, Northern Railway to clarify whether the name of Chairman of the Selection Board was on the secret/agreed list or not at the relevant time. On 15.2.2001, a note dated 27.7.98 recorded by DRM Delhi was shown indicating that Shri Shivraj Singh Senior DSO, Delhi was borne on secret/agreed list and should not be nominated on any selection/Screening Boards/Committees. The aforesaid punishment awarded to Shri Shivraj Singh related to the period prior to the holding of the test in question in May, 1998. In order to formulate our opinion whether or not Shri Shivraj Singh could have been nominated on the Selection Committee, the respondents were directed to file an affidavit of Senior Deputy General Manager regarding inclusion of the name of Shri Shivraj Singh on the secret/agreed list at the time when the relevant test was held in May, 1998. Respondents were also asked to produce Service Book of Shri Shivraj Singh as entry relating to retention of names in the agreed/secret list is also made in the Service Book of the concerned officials. Today, the learned counsel of the respondents, Sh B.K. Aggarwal filed a letter dated 14.3.2001 signed by DPO, Delhi Division stating "perusal of the relevant secret/agreed list shows that on 6.5.98 name of Shri Shivraj Singh figured in the agreed/secret list for that year." However, the

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respondents have not filed requisite affidavit of the Sr. Dy. General Manager and Service Book of Shri Shivraj Singh. In view of the said letter dated 14.3.2001 of the respondents admitting presence of name of Shri Shivraj Singh in the agreed/secret list on 6.5.98, we have no hesitation in holding that Shri Shivraj Singh could not have been appointed Chairman of the Selection Board as his name was on the secret/agreed list of the Vigilance Branch at the relevant time when the aforesaid selection was conducted. In our view, this ground alone suffices to vitiate the selection process in question and it is not necessary to go into other grounds. Accordingly, the provisional panel declared by Annexure A-1 dated 2.9.98 is quashed and set aside and respondents are directed to hold afresh selection for the post of Chief Controller grades Rs. 2375-3500/ 7450-11500 as per rules/instructions on the subject within a period of four months. No costs.

S. Raju

(Shanker Raju)
Member(J)

V.K. Majotra

(V.K. Majotra)
Member(A)

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