

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA-151/95

New Delhi this the 7th day of October, 1999.

Hon'ble Sh. A.V. Haridasan, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. P.S. Khare,
S/o late Sh. N.D. Khare,
C/o Sh. Jwala Prasad Gola,
4034, Baghichi Ram Chandra,
Opp. Government Boys Sr.
Secondary School, Street No.2,
Paharganj, New Delhi-55.

..... Applicant

(through Sh. H.P. Chakravorty, Advocate)

versus

1. Union of India through
the Principal Secretary,
Government of India,
Ministry of Railways,
Chairman Railway Board,
Rail Bhawan,
New Delhi.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

3. The Divl. Railway Manager,
Northern Railway,
New Delhi.

Respondents

(through Sh. R.L. Dhawan, Advocate)

ORDER(ORAL)

Hon'ble Sh. S.P. Biswas, Member(A)

Applicant challenges the non-consideration of his case for selection held through Limited Departmental Competitive Examination (LDCE for short) for promotion from Group-C to Group-B for filling up 25% vacancies in the Commercial Department under the respondent Railways. The said examination was originally scheduled to be held on 15.04.91. However, the examination was postponed to

2

22.01.94 by a Notification dated 14.01.94. The applicant seeks to quash the selection held pursuant to Notification dated 04.08.92 & 17.05.93 (Annexures 2 & 3) on the plea that he was not given any intimation of the written test which was postponed to a different date i.e. 22.01.94. Consequently, he has sought for relief in terms of issuance of directions to respondents to hold fresh LDCE.

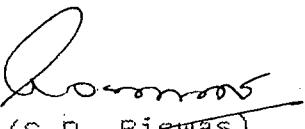
2. The issue that falls for determination is whether applicant has any legal right in insisting upon that he should have been informed personally as regards postponement of date of examination. In an attempt to establish his claim, the applicant has given the ground as in paras 5.6. to 5.8 of the paperbook in the O.A. In para 5.8, the applicant mentions that the denial of non-consideration on account of non-intimation on any other administrative lapse or procedure is contrary, unreasonable and unjustified.

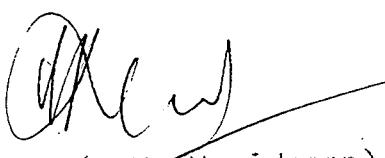
3. In the counter, the respondents have come out with the provision that there is no legal provision that each candidate has to be intimated individually regarding the cancellation of the examination and refixing the date of examination to a subsequent date. Respondents would also submit that the written test fixed for 15.01.94 was postponed to 22.01.94 and necessary intimation was communicated to all concerned including the C.L.A. of the office where the applicant was working. It has been further submitted that Sr. of

(12)

Divisional Commercial Manager also intimated the applicant through C.L.A. about the date of written test being fixed on 22.01.94 vide his letter dated 18.01.94, copy of which has been annexed at Annexure R-2. The communication through which the postponement has been notified subsequently is dated 14.01.94, a copy of which was duly circulated to one and all including the office where the applicant has been working. As per the procedure laid down by the Railways in Para 207.1 of I.R.E.M. Vol. I 1989, it is not obligatory on the part of the respondents to inform the candidates for appearance in the examination individually. We find that all the concerned officials were informed about the postponed date of examination vide circular dated 14.01.94. The applicant chose not to challenge this contention in the counter nor did he file the rejoinder on the subject. Having not challenged the respondents action subsequently in the rejoinder, the applicant is not entitled to reagitate at this stage. In any case, as per rules laid down on the subject the provision of intimating the individual candidate does not exist.

4. In the facts and circumstances of the case, the claim of the applicant that he was not intimated falls on the ground because of the communication of the Divl. Commercial Manager dated 18.01.94. The O.A. is devoid of merits and is accordingly dismissed. No costs.


(S.P. Biewas)
Member(A)


(A.V. Haridasan)
Vice-Chairman(J)

/vv/