

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

10.3.98

O.A. No. 1579 of 1996 Decided on:

P.K. Dubey & Ors.

Applicant(s)

(By Advocate: Shri B.S. Mainee) )

VERSUS

U.O.I. & Anr.

Respondents

(By Advocate: Shri R.L. Dhawan )

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO

*S.R. Adige*  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 1579 of 1996

New Delhi, dated the 10<sup>th</sup> March 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. P.K. Dubey,  
S/o Shri J.N. Dubey,  
P.W.I.,  
Northern Railway,  
New Delhi.

2. V.K. Srivastava,  
S/o Shri H.C. Srivastava,  
P.W.I.,  
under Dy. C.E. (Constn.),  
Northern Railway, Kanpur.

3. L.R. Wadhwa,  
S/o Shri D.R. Wadhwa,  
P.W.I.,  
Northern Railway,  
Nizammuddin,  
New Delhi.

4. Inderjit Singh,  
S/o Shri Babu Singh,  
P.W.I.,  
U.S.F.D.,  
Kanpur.

5. N.K. Arora,  
S/o Shri K.R. Arora,  
P.W.I. (Instructor),  
P. Way Training School,  
Shamli. ... APPLICANTS

(By Advocate: Shri B.S. Mainee)

VERSUS

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

2. The Divl. Railway Manager,  
Northern Railway, ... RESPONDENTS  
New Delhi.

(By Advocate: Shri R.L. Dhawan)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants seek the relief contained  
in Para 8 of the O.A.

(23)

2. We have heard applicants' counsel Shri Maine and respondents' counsel Shri Dhawan. We have also perused the materials on record including the relevant DPC proceedings.

3. In so far as applicants 1 and 5 are concerned we have satisfied ourselves from a perusal of the DPC proceedings that they indeed did not qualify in the selection and hence their names were not included in the provisional panel issued vide impugned order dated 27.10.95. In this connection Shri Maine was also shown the DPC proceedings.

4. In regard to applicants 2, 3 & 4 we note that their names were included in the list of those who had passed the written test, vide respondents' letter dated 19.9.95 (Annexure A-3). However, their names did not find place in the impugned order dated 27.10.95 (Ann. A-1). Respondents state that applicants were disqualified by the Selection Committee for writing their names on the answer sheets despite clear instructions that candidates should not write their names or give any clue of their identity anywhere in the answer books.

5. Respondents having brought applicants' names on the list of those who had qualified for the viva-voce <sup>int</sup> vide letter

letter dated 19.9.95 (Annexure A-3), should in accordance with the principles of natural justice, have given applicants 2, 3 & 4 an opportunity to show cause before disqualifying them.

6. While no relief is therefore admissible to applicants 1 and 5, this O.A. is disposed of with a direction to respondents to give applicants 2, 3 & 4 a show cause notice against their disqualification from the PWIs selection held in July-October, 1995 within two months from the date of receipt of a copy of this order and dispose of those replies in accordance with rules and instructions within three months of the receipt of those replies. If any grievance still survives it will be open to applicants 2, 3 & 4 to agitate the same through appropriate original proceedings in accordance with law if so advised.

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

*Lakshmi Swaminathan* / *Adige*  
(Mrs. LAKSHMI SWAMINATHAN) (S.R. ADIGE)  
Member (J) Vice Chairman (A)

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