

OA No.2635/96

New Delhi, this the 22nd day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S. P. Biswas, Member (A)

1. Virendra Kumar Dixit,
s/o Sh. Munshi Lal Sharma,
c/o Sh. Suresh Kumar Sharma,
East Pratap Nagar,
Maholi Road,
Mathura (Uttar Pradesh).
2. Vipin Kumar Sharma,
s/o Late Shri N.C. Sharma,
R/o L-1/E, Railway Colony,
Near Railway Rest House,
Ghaziabad.
(Both Clerk in the Northern Railway, New Delhi)

(By Advocate: Sh. B.B.Rawal)

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The General Manager (P)
Northern Railway,
Baroda House,
New Delhi.

....Respondents

(By Advocate: Shri Rajeev Sharma)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

Petitioners herein had appeared in the written test and were to appear in Viva-voce examination on 29.10.1996, which was abruptly got cancelled and petitioners, therefore, came to this Tribunal by an OA 2380/96. This Tribunal on 8th November, 1996 passed an order, prima-facie finding that something unusual has taken place and directed the respondent no. 2 i.e. General Manager, Northern Railway, to look into the matter

personally and no selection to take place until the General manager disposed of the matter. It is stated that the matter was disposed of by the General Manager in due course and thereafter second selection has also taken place.

The present OA has been filed by the petitioners aggrieved by the order of the General Manager disposing of the representation as directed by us by our order dated 8.11.1996.

We are satisfied that the General Manager has personally looked into the matter and got the mark-list checked and obviously he has also found that there is something unusual. But it was unfortunate that he did not find out what exactly was the unfortunate incident. We ourselves perused the record and found that the respondents till today do not know what exactly has transpired which made them to cancel the said examination. In the circumstances an internal inquiry is necessary for the satisfaction of the respondents themselves to find out what went wrong in the said examination.

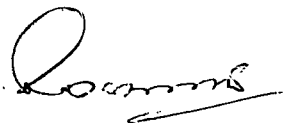
Learned counsel for the respondents seeks six weeks time and we direct that an internal inquiry be held at the instance of the Vigilance Section of the Northern Railway through an appropriate senior officer who will submit the report to the General manager within a period of six weeks and the General manager shall pass appropriate orders on the said report within a reasonable time. We think it fit to pass this order since these types of incidents shall not happen in a recurring manner with the Department and we are afraid the warning given to the officer who have been alleged to have been involved, does

not inspire confidence as to the bonafide of the action taken by the respondents, to ensure, such incidents would not be repeated. Even though the order of the General Manager is found to be on the face of it, based on the glaring mistake in mark-list, a direction for internal inquiry is given in order to avoid the repetition of such incidents in future.


Counsel for the respondents states that the selection after the disposal of the representation as per our previous orders, has already taken place and due to an interim order of this court, results could not be declared. It was also found on record that the petitioners have not taken part in the said examination. It was for this reason, a restraint order from declaring the result was passed. Learned counsel for the respondents submits that they have no objection to hold a supplementary examination before declaring the result and it is in the interest of justice that the petitioners also be given an opportunity to appear in the supplementary test and thereafter the result may be declared in due course. Ordered accordingly.

In view of this, this OA is disposed of giving liberty to the petitioner to approach this court by way of an MA and revive this OA in case any part of this order is not implemented.

With these directions, this OA is disposed of with no order as to costs.


(S.P. Biswas)
Member (A)

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(Dr. Jose P. Vergheese)
Vice-Chairman (J)