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Central Administrative Tribunal
Principal Bench: New Delhi

C.P. No. 186/99 In
O.A. No. 2919/97

New Delhi this the 14th day of December 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mr. R.K. Ahooja, Member (A)

Vijay Kumar Verma
S/o Shri Ram Dhani Verma
H.No. 1119, Shastri Nagar,
Delhi-110 052.

...Petitioner

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India

1. Shri V.K. Agarwal
Chairman, Railway Board
Ministry of Railway
New Delhi.
2. Shri Adesh Sharma
Chairman, Railway Recruitment Board,
Central Railway,
Mumbai-400 008.
3. Shri K.V. Shankaran
General Manager/Central Railway
Mumbai C.S.T.

...Respondents

(By Advocate: Ms. Anju Bhushan)

ORDER (Oral)

By Reddy, J.-

Heard the counsel for the petitioner
and the respondents.

2. This CP arises out of the order
dated 1.3.99 in OA-2919/97. While allowing the
OA the following direction was given:-

"Viewed as such this OA is
allowed. The impugned letter
dated 4.9.96 is quashed and the
respondents are directed to
hold the interview of the
applicant proceeding on the
basis that he had passed in the
written test and thereafter to
give all the consequential

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benefits to the applicant including the benefit of being interviewed and if successful in that, for being appointed".

3. The complaint of the petitioner is that he was not interviewed in accordance with the direction given by the Tribunal and thus the respondents deliberately violated the order of the Tribunal. Respondents states in his reply that in compliance of the order of the Tribunal the respondents had called the petitioner for interview on 27.8.99 but the petitioner even after receiving the call letter did not turn up for interview. It is also stated that the respondents personally visited at the address of the petitioner given in the OA, to hand over a call letter to him but as the petitioner was not found at that address, and on making enquiries, he served a call letter on his relation on 6.8.99. It was further stated that the call letter was also sent for interview on the address given by the petitioner in his application submitted by him for recruitment i.e. the address No.55, Beliganj Behind Mansa Devi, Raebareli (UP) and the same has been received by the petitioner. A copy of the acknowledgement was also filed as Annexure to the counter. But, the petitioner did not turn up for the interview.

4. Thus it is evident that the respondents had made attempts, sincerely to serve the call letter on the petitioner on the

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address given by the petitioner himself in the OA and also to the address given by him in his application for recruitment. It is, however, contended by the learned counsel for the petitioner that no such call letter has been received by the petitioner either in the address given in the OA or in the address given in the application for recruitment and that the signatures of the petitioner shown in the Annexures A and B are not his signatures but were forged signatures. In support of his contention learned counsel submits that he always put his signature in English whereas the signatures are shown in Annexure A & B in Hindi.

5. Our jurisdiction in contempt petition is rather limited only to see whether the respondents had deliberately and wilfully disobeyed the orders of the court. The counter affidavit was deposed to by the 2nd respondent, Chairman, Railway Recruitment Board who happens to be a responsible officer. We have perused the Annexures A & B. It is true that the signatures of the petitioner is shown to have been signed in Hindi whereas in his application form it is shown that his signatures were in English. We are, however, not inclined to accept on the basis of this discrepancy that the respondents procured signatures of the petitioner in Annexure A & B by committing forgery. It should be kept in mind that his call letter was sent by registered post and the



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acknowledgment form was obtained by the postal department.. Unless very cogent evidence is brought on record, we cannot reject the acknowledgement form obtained by the postal department. In the circumstances, we cannot accede to the contention of the learned counsel for the petitioner that the respondents have procured the signatures of the petitioner without actually serving the call letter on the petitioner. It is clear from the averments made in the reply that the respondents had made attempts to serve the call letter upon the petitioner and though the petitioner was served and his address given in the application form, the petitioner for his own reasons had not appeared for the interview. It cannot, therefore, be said that there is any violation on the part of the respondents in the compliance of the order of the Tribunal.

6. It is next contended that the rules have been recently changed whereby the necessity of the interview has been dispensed with and the petitioner having qualified in the written test the respondents should consider the petitioner for appointment on the basis of the written test itself. We do not agree. What is complained of in the CP is the violation of the order of the Tribunal. The only direction given by the Tribunal was to interview the petitioner for appointment. The only question, therefore, that falls for consideration in this CP is whether the

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applicant has been interviewed or not in accordance with the direction. The question as to the applicability of the latest policy of the respondents for giving appointment without holding interview is not before us and we are not called upon to decide the same in this CP.

7. C.P. therefore fails and is accordingly dismissed. No costs.

R. K. Ahooja
(R.K. Ahooja)
Member (A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.