

Central Administrative Tribunal  
Principal Bench

O.A. No. 1489 of 1997

New Delhi, dated this the 16<sup>th</sup> AUGUST 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Guru Prasad,  
S/o Shri Chuni Lal Sharma,  
Claims Tracer, Claims Office,  
Northern Railway,  
R/o EI/109, Shivram Park,  
Nangloi, Najafgarh Road,  
New Delhi-110041. .. Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India through  
the Secretary,  
Ministry of Railway,  
Rail Bhawan, New Delhi.
2. The General Manager,  
Northern Railways,  
Baroda House,  
New Delhi-110001.
3. The Chief Claims Officer,  
Headquarters Office, Claims Branch,  
NDCR Building, Northern Railway,  
State Entry Road,  
New Delhi-110001. ... Respondents

(By Advocate: Shri P.S. Mahendru)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns the selections made for the  
post of Claims Inspector *Asst Claims Inspector*

2. Admittedly by Notice dated 1.4.97  
(Annexure A-1) respondents initiated action for  
making promotions to the post of Assistant Claims  
Inspector/Claims Inspector. The selection procedure  
consisted of written test and interview.

3. Applicant appeared for the written test, and the interview, but did not do well enough to be empanelled.

4. Applicant has alleged that the endorsements at Sl. No. 9 & 10 of the Notice dated 1.4.97 left scope for leakage of papers and subsequent indulgence in malpractices, manipulation and resorting to unfair measures in the written examination. In this connection during hearing, applicant's counsel Shri Chawla alleged that certain questions in the written test had been leaked out and in this connection drew attention to copy of the questions in the written test (Annexure A-4) with answer, which he claimed were written thereon and had been circulated before the written test. He also alleged that applicant's marks in the interview were deliberately depressed because he had filed the present O.A. It needs to be mentioned that applicant had filed the present O.A. after he had appeared in the written test, but before the interviews were held.

5. We have considered these contentions carefully.

6. Admittedly applicant appeared in the written test held on 26.4.97. If he had any suspicion that the questions in the test had been leaked out or there was any manipulation in the same, he should have brought it to the notice of the

~

authorities at the time of the test itself or immediately thereafter, but there is nothing to indicate that he did so. Six days after the test was held applicant submitted a representation dated 2.5.97 (Page 14 of the O.A.) in which he contended that some questions were out of the syllabus and prayed that either the test be reconducted, or some leniency shown but there was no mention of any questions <sup>being</sup> leaked ~~out~~ out, or any other kind of alleged manipulation. Nearly two months after the test were held, applicant made another representation on 17.6.96 (that should perhaps read 17.6.97) (Annexure A-3) stating that he had attempted all the questions in the written test and had hoped to get success, but was disappointed that he had been declared failed in the same, and prayed that his answer book be rechecked. In this representation also there was no mention of leakage of question papers and or/ manipulation of the results of the written test.

7. In so far as the question paper at Annexure A-4 is concerned, applicant has not been able to establish that the same, with answers written against some of questions, were circulated prior to the test being held on 26.4.97. Merely because of the endorsements at Sl. No.s 9 and 10 of the Notice dated 1.4.97 is by itself not sufficient for us to hold that indeed the question papers had been leaked out and there was manipulation in the conduct of the test.

~

13

8. It is well settled that having participated in the selection process, but not having been declared successful, cannot turn around later and successfully allege illegality, arbitrariness and malafides in the conduct of the selection.

9. Applicant has not been able to make out a case to warrant judicial intervention in the O.A. which is, therefore, dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

S.R. Adige

(S.R. Adige)  
Vice Chairman (A)

gk