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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1276/2000

New Delhi this the 30th Day of May 2001.

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

A.K. Chauhan,
S/o Shri Harkesh Singh Chauhan,
R/o 202/D-1, Railway Colony,
Basant Lane, Pahar Ganj,
Railway Colony, ... Applicant

(Present : None even on second call)

Versus

1. Union of India
(through its General Manager),
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Moradabad Division, Moradabad, U.P.
3. Divisional Superintendent Engineer
(Co-ordination), Northern Railway
Moradabad Division,
Moradabad, U.P.
4. Divisional Personnel Officer,
Northern Railway,
Moradabad Division,
Moradabad, U.P.
5. Assistant Personnel Officer,
Northern Railway,
Moradabad Division,
Moradabad, U.P.
6. Atul Kumar,
J.E.-I (P. Way),
USFD, Moradabad, U.P.
7. Arvind Kumar Mishra,
J.E.-I, (P. Way),
Berilley, U.P..
8. R.P Tripathi,
J.E.-I (P. Way),
Hardoi, U.P.
9. Pradeep Kumar
J.E.-I (P. Way),
Haridwar, U.P.
10. Vikram Singh,
J.E.-I (P. Way)
Roorkie, U.P.

11. Om Prakash Mishra,
J.E.-I (P.Way),
Jang Bahadur Garh,
U.P. Respondent

(through Sh. B.S. Jain, Advocate)

ORDER (ORAL)
Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

Applicant impugns respondents letter dated 30.06.2000 (Annexure A-1), whereby certain candidates have been found eligible for the viva voce test excluding the applicant.

2. We note that applicant had failed to appear even on the last date i.e. ~~23.03.2000~~ and ~~again~~ on 23.02.2000.

3. None has appeared on behalf of applicant ~~even~~ today either, even on second call.

4. The applicant was admittedly successful in the earlier written test held by respondents for the post of SE-PW-I vide their letter dated 29.10.97 ((Annexure A-2)), on the basis of which he was called for the viva voce test, but eventually on the basis of his performance both in the written test as well as the viva voce test, he could not be selected for the post of SE PW-I.

5. Respondents held the selections for the post of SE again in May 2000, in which applicant failed to clear even the written test.

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6. Applicant contends that because he cleared the written test vide respondents letter dated 29.10.1997, the written test for which results were declared on 30.06.2000 is illegal and arbitrary.

7. ~~Merely~~, because applicant had admittedly cleared the written test earlier, ~~it~~ is not necessarily mean that applicant has to be declared successful in the succeeding written test ~~either~~, ^{also} ~~either~~. In the light of the above, we see no reason to interfere with the impugned letter dated 30.06.2000.

8. With the above observations, the OA is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

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

/vv/