

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1679/2000 &
✓ OA-1635/2000

New Delhi this the 30th day of November, 2000.

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

OA-1679/2000

1. Sh. Rohtas
S/o Sh. Ganga Ram
Diesel Asstt.,
Northern Railway Station,
Delhi Sarai Rohilla,
and other 37 applicants
as per Memo of parties. Applicants

(through Sh. Yogesh Sharma, Advocate)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Bikaner Division,
Bikaner.
3. The Divl. Personnel Officer,
Northern Railway,
DRM Office,
Bikaner. Respondents

(through Sh. R.L. Dhawan, Advocate)

OA-1635/2000

1. Sh. Subhash Chand,
S/o Sh. Ram Narain,
R/o 126-G, Loco Shed,
Kishanganj,
Delhi Sarai Rohilla.
2. Saffi Mohd. I,
S/o Sh. Ismail Khan,
working as Shunter, at
Northern Railway
Station, Delhi
Sarai Rohilla.

(through Sh. Yogesh Sharma, Advocate)

Versus

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1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divl. Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. The Divl. Personnel Officer, Northern Railway, DRM Office, Bikaner. Respondents

(through Sh. R.L. Dhawan, Advocate)

ORDER(ORAL)

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

Applicants challenge to the written test (selection) conducted by the respondents on 18.06.2000, 25.06.2000 and 01.07.2000 by ~~an~~ order dated 27.05.2000 for the posts of Driver Goods in the pay (Annex. A/1) for the posts of Driver Goods in the pay scale of Rs. 5000-8000/- and pray for a direction to respondents to conduct a fresh written test on the basis of the Railway Board's instructions on the subject.

2. Heard learned counsel for both sides.

3. It is not denied that pursuant to respondents order dated 27.05.2000 respondents conducted a written test (selection) for the posts of Driver Goods in the pay scale of Rs.5000-8000/- on 18.06.2000, 25.06.2000 and 01.07.2000 at four ^{centres} ~~stations~~ within Northern Railway.

4. Applicants allege that certain irregularities were committed in the aforesaid selection test, inasmuch as, (i) there were no objective type question in the question paper and all the questions were

required to be given lengthy answers; (ii) respondents (examiner) directed the candidates to put their full signatures on the last page of the answersheet; (iii) written test was conducted on three days and on all three days different type of question papers were prepared and questions were of such a type which were not relevant with the duties and functions of the post of Driver.

5. Respondents counsel Shri R.L. Dhawan has raised a preliminary objection that the applicants were working at different stations, some of which lie outside the territorial jurisdiction of the Principal Bench and hence they could not have filed this O.A. jointly. It is also contended that the applicants have not exhausted the statutory departmental remedies available to them under Rule 18 of the Railway Servants (D&A) Rules, 1968.

6. Applicants counsel Shri Yogesh Sharma has stated that as selections were held by the orders of the DRM, Bikaner, applicants would be satisfied if a higher authority, namely, General Manager (Respondent No.1) is called upon to examine the grievances of the applicants as contained in the O.A. and take appropriate action thereon.

7. During the course of hearing, we were also shown some answersheets and one of the answersheet shown to us, did carry the signature of an individual, which is one of the infirmities pointed out by applicants in the conduct of the examination as contained in Para-4 above.

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8. In the facts and circumstances of the case, we consider it eminently and reasonable to call upon the General Manager to examine the grievances of the applicants in accordance with rules and instructions on the subject, ^{after proper inquiry} _{therein} and pass a speaking order _{within} three months from the date of receipt of a copy of this order.

9. For this purpose, the General Manager will treat the present O.A. filed by applicants as their representation.

10. By our subsequent interim order dated 17.10.2000, we had directed that the results of the selection would be subject to the final outcome of the O.A.

11. Shri Dhawan has invited our attention to respondents order dated 31.10.2000 declaring the results of the selection on provisional basis subject to the final outcome of the present OA-1679/2000, as well as OA-1635/2000, which is also pending in the ~~the~~ Tribunal.

12. The aforesaid interim orders are now modified, such that the provisional list declared vide respondents order dated 31.10.2000 shall now subject to the findings of the General Manager, Northern Railway, pursuant to the above directions.

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13. O.A. No. 1635/2000 has been filed by Subhash Chander and one other claiming the same relief as claimed in the above O.A. The directions contained in our order in respect of OA-1679/2000 will apply mutatis mutandis in this O.A. also.

14. In view of the above, both the OAs are accordingly disposed of. No costs.

(Dr. A. Vedavalli)
Member(J)

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

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Statement attached