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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
.....

Regn.No.OA-542/89

Date of Decision: 12.5.89.

Shri Yatinder Singh

..... Applicant.

Versus

Union of India _ Ors.

..... Respondents.

For the applicant

..... Shri S.K.Bisaria,
Advocate.

For the respondents

..... None.

CORAM: Hon'ble Shri P. Srinivasan, Administrative Member.
Hon'ble Shri T.S. Oberoi, Judicial Member.

JUDGMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble
Shri P.Srinivasan, Administrative Member).

This application filed under Section 19 of the Administrative Tribunals Act, 1985, has come before us for admission today with notice to the respondents. Shri S.K.Bisaria, learned counsel appears for the applicant. The respondents on whom notices have been served are absent. We have heard Shri S.K.Bisaria.

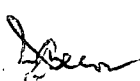
2. The grievance of the applicant, who is working as a Class IV official in the Central Railway at Mathura is that in the written test held for promotion to the ^{IV} Class III post, he was declared successful and after the viva-voce test his name was excluded from the select panel. He submits that he has been failed in the interview with "malafide intentions and ulterior motives." Shri S.K. Bisaria, learned counsel for the applicant submitted that this Tribunal should call for the records of selection to examine whether the marks given to the applicant in the interview have been fairly assessed and ^{whether he has been} ~~if there is a~~ ^{made a victim of malafide intentions.} ~~favour shown against him.~~ We are of the view that this application is not fit for adjudication by this Tribunal. The applicant was left out of the select panel after a written test and oral test held by the competent authority. Merely alleging that the assessment in the interview was malafide and made with an ulterior motives to reject


P. S. Oberoi

the applicant does not constitute sufficient justification for us to call for and examine the records of the respondents. Where a candidate is not selected, he is bound to allege that the selection has not been fair and unless any animus is established, we cannot call for the Government records and undertake a fishing inquiry. We, therefore, find no justification to admit this application.

3. However, we understand that the applicant has made a representation to the authorities on 21st January, 1989 and again on 8.2.1989, we hope that the authorities will deal with the representation expeditiously.

4. The application is, therefore, rejected at the stage of admission itself leaving the parties to bear their own costs.


(T.S. Oberoi)
Member (J)


(P. Srinivasan)
Member (A)