

**OA No. 291/554/2018 with MA No. 291/480/2020 and
OA No. 291/605/2018**

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/554/2018
with
MISC. APPLICATION NO. 291/480/2020
and
ORIGINAL APPLICATION NO. 291/605/2018**

Order reserved on 16.12.2020

DATE OF ORDER: 24.12.2020

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

OA No. 291/554/2018 with MA No. 291/480/2020

1. Dilkhush Meena S/o Sh. Bachchu Lal, aged around 26 years, R/o Vill. & Post Jinapur, Tehsil & Distt. Sawaimadhopur – 322001.
2. Raj Kumar Meena S/o Sh. Asha Ram Meena, R/o Vill. & Post Jinapur, Tehsil & Distt. Sawaimadhopur – 322001.
3. Shukhram Meena S/o Sh. Harji Ram Meena R/o Protabas, Distt. Dausa.
4. Vinay Kumar Singh S/o Sh. Rajveer Singh, R/o Post & Tehsil Iglas, Mohakpura, Distt. Aligarh – 202145 (U.P.).

....Applicants

Shri Mukesh Agarwal, counsel for applicants (through Video Conferencing).

VERSUS

OA No. 291/554/2018 with MA No. 291/480/2020 and
OA No. 291/605/2018

1. Union of India through General Manager, West Central Railway, Jabalpur (M.P.).
2. The Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. Senior Divisional Personnel Officer, West Central Railway, Kota Division, Kota.
4. Sh. Lal Singh Bainada, Deputy Chief Personnel Officer, IR, HQ, West Central Railway, Jabalpur (M.P.).
5. Braj Kishore Choudhary S/o Shri Kaluram Choudhary, aged about 31 years, R/o MES Colony, Quarter No. 14/4, Kota.
6. Shahbaj Khan S.o Mushtaq Ali, aged about 28 years R/o Tullapura, behind Asu Floor Mill, Kota.
7. Pawan Kumar S.o Shri Hari Singh, aged about 33 years, R/o Railway Colony, Taleda, Quarter No. 22/20, District Bundi.
8. Pushpendra Singh S/o Dayaram, aged about 32 years, Ro Village Rampura, Post Kosikhurd, District Mathura.
9. Kalicharan S/o Chunna, R/o Village Tarsi, Post Dhangaon, District Mathura.
10. Sanjay Singh S/o Puran Singh, R/o Village Sahnawali, Post Sarah, District Bharatpur.
11. Harveer Singh S/o Khadag Singh, R/o Village Pura, Pot Magaror District Mathura.
12. Prem Pal Singh S/o Ramveer Singh R/o Village & Post Magaror, District Mathura.

13. Bhupendra Singh S/o Mahendra Singh, R/o Village & Post Magaror District Mathura.
14. Poonam Kumari D/o Gopal Singh, R/o House No. D-37, Gali No. 4, Subhash Nagar, Opp. Kunhadi Police Station, Kota.
15. Jorawar Singh S/o Onkar Lal, R/o Purani Railway Colony, Ramganj Mandi, Kota.
16. Hakim Singh S/o Badam Singh, R/o Village Nangla Singa, Post Kosikhurd, District Bharatpur.
17. Dhurav Singh S/o Uttam Singh, R/o Rampura, Post Kosikhurd, District Mathura.
18. Amit Kumar S/o Ramesh Chand R/o Village Sahai, Post Bichpuri District Agra.
19. Pavitra Singh S/o Gangadhar Singh, R/o New Railway Colony, Quarter No. 953/B, Shiv Mandir Line, Kota.
20. Nagina Vaishnav D/o Bhagatram Vaishnav, R/o Purani Railway Colony, Quarter No. 79/B, Near Tullapura, Kota.
21. Jyoti Sharma D/o Vijay Shankar R/o Gali No. 12, Poonam Colony, Kota.
22. Mangla Ram S/o Rameshwar Lal Bairwa, R/o Village & Post Tiloniya, Tehsil Kishangarh, District Ajmer.

....Respondents

Shri Anupam Agarwal, counsel for respondent Nos. 1 to 3 (through Video Conferencing).

**OA No. 291/554/2018 with MA No. 291/480/2020 and
OA No. 291/605/2018**

Shri Y.K. Sharma, counsel for respondent No. 4 (through Video Conferencing).

Shri R.D. Meena, counsel for respondent Nos. 5 to 22 (through Video Conferencing).

OA No. 291/605/2018

1. Dinesh Chand S/o Bhajan Lal Sharma, age around 38 years, R/o Ward No. 2, Panjabi Shalla School, Panjabi Mohalla Nadbai (Bharatpur). At present working as Track Man-III, SSE/P. Way/Bharatpur.
2. Dinesh Chand Meena S/o Sh. Arjun Lal Meena, age around 35 years, R/o Village Sajajanpur, Post – Bhopur, Tehsil – Todabhim, Distt. – Karauli. At present working as Track Man-III, SSE/P.Way/Bharatpur.
3. Jitendra Singh S/o Sh. Tej Singh, age around 33 years, R/o Railway Colony, Saras Vihar, Quarter No. 255 A, Distt Bharapur. At present working as MATE in the office of SSE/P.Way/Bharatpur.
4. Yashoda Dass D/o Gaya Prasad Dass, age around 29 years R/o Railway Quarter No. 1036/A, New Railway Colony behind NRC Ground, Kota Junction – 324002. At present working as Track Maintainer-IV under SSE/P.Way/North/Kota.
5. Vijay Kumar Panchal S/o Sh. Suresh Chandra Panchal, age around 30 years, R/o I.H.S. Colony, House No. 68, Near Chugani Hotel, Bazaria Sawai Madhopur - 322001. At present working as Track Maintainer-III under SSE/P.Way/Depot/Kota.
6. Ami Chand Bairwa S/o Sh. Bhagwan Sahai, age around 32 years R/o Vill. Thosara, Post-Bhandodi, Tehsil – Rajgarh, Distt-Alwar. At

present working as Track Man-IV, office of SSE/P.Way Bharatpur.

7. Dashrath Kumar Sharma S/o Sh. Roop Narayan Sharma, age around 31 years R/o Vill. & Post-Aund Meena, Teh-Mahwa, Distt. Dausa (Raj.). At present working as Track Man-III, Office of SSE/P.Way/North/Gangapur City.
8. Vishram Lal Saini S/o Dhanna Lal Saini, age around 34 years, R/o Village Dhand, Post Khedi, Teh-Baswa, Distt- Dausa. At present working as Track Man-IV, SSE/P.Way/Hindon City.
9. Vishnu Sharma S/o Ashok Sharma, age around 31 years, R/o House No. 548, Near Govt. School, Near Sholanki Kirana, Shivpura, Kota. At present working as Track Man-IV, S.S.E./P.Way/South/Kota.

....Applicants

Shri Mukesh Agarwal, counsel for applicants (through Video Conferencing).

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur – 482001 (M.P.).
2. The Divisional Railway Manager, West Central Railway, Kota Division, Kota – 324006.
3. Senior Divisional Personnel Officer, West Central Railway, Kota Division, Kota – 324006.

....Respondents

Shri Anupam Agarwal, counsel for respondents (through Video Conferencing).

ORDER

Per: Hina P. Shah, Judicial Member

With the consent of learned counsels for the parties, O.A. No. 291/554/2018 with M.A. No. 291/480/2020 and O.A. No. 291/605/2018 are taken up together for disposal as common question of law and facts is involved in the aforesaid cases.

2. For the sake of convenience, the brief facts of O.A. No. 291/554/2018 (Dilkhush Meena & Ors. vs. Union of India & Ors.) are taken up. The O.A. No. 291/554/2018 has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

- “(i) By an appropriate order or direction, the impugned order dated 17.10.2018 (Annexure-A/1) cancelling the written test held on 05.05.2018 (for that result declared on 20.06.2018) and fixing the date of re-examination on 11.11.2018 be quashed and set aside. The respondents be further directed to publish panel of selected candidates on the basis of result declared dated 20.06.2018 and if the applicants found suitable, they should be appointed / promoted on the post of JE (P.Way) with all consequential benefits.
- (ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iii) That the costs of this application may be awarded."

3. The brief facts of the case, as stated by the applicants, are that as per the letter dated 05.01.2018 (Annexure A/3) issued by the respondent No. 2, applications were invited for Limited Departmental Competitive Examination (LDCE) for appointment / promotion to the post of JE (P. Way) Level – 6 under Engineering Department, Kota Division for 22 posts (General-21, ST-01 and SC-Nil) from Track Man Maintenance of all grades and Civil Engineering Staff working on P. Way side. The eligibility for selection was prescribed as under:

"Eligibility criteria Track Maintenance of all grades and Civil Engineering Staff, such as USFD Staff, Black Smith, Painter, Carpenter etc. working on P.Way side with 03 years of railway service and either 10+2 pass with at least 3 subjects out of Mathematics, Physics, Chemistry and Computer Science or having Diploma in Civil Engineering/ Civil Engineering (Transpiration) are eligible. All diploma should have the reorganization/affiliation of AICTE."

The applicants, being fully eligible and qualified for the same, applied for the said post within the prescribed time. The respondents after examining the applications, issued the eligibility list of 78 employees

vide letter dated 05.02.2018 (Annexure A/4), who were found eligible and syllabus was also provided to them. In the said eligibility list, applicants stood at Sl. Nos. 44, 43, 32 and 9, respectively. Applicant Nos. 1 to 3 belong to ST category and they were provided free training from 19.02.2018 to 15.03.2018 at DTC, Kota vide letter dated 16.02.2018 (Annexure A/5). The LDCE was conducted on 05.05.2018 and results were declared vide order dated 20.06.2018 (Annexure A/7) by respondent No. 2. In the said list of qualified/passed candidates for selection to the post of Junior Engineer (P.Way), names of the applicants appeared at Sl. Nos. 35, 33, 19 and 2, respectively. The applicants were waiting for further steps for selection but all of sudden, respondent No. 3 vide order dated 17.10.2018 (Annexure A/1) decided to cancel the written examination stating unavoidable circumstances and fixed re-examination on 11.11.2018 without assigning any reason and without providing any opportunity to the applicants, who qualified the written examination. Such act of the respondents is against the principles of natural justice and in violation of Articles 14 and 16 of the Constitution of India. Therefore, being aggrieved by

the arbitrary action of the respondents, the applicants have filed the present Original Application for quashing and setting aside the order dated 17.10.2018 (Annexure A/1), by which the written examination held on 05.05.2018, (for which result declared on 20.06.2018), has been cancelled, and directing the respondents to finalize the selection by publishing the panel on basis of result declared on 20.06.2018 and for other reliefs.

4. The official respondents vide their reply stated that the Original Application is premature inasmuch as the applicants preferred the Original Application when the matter was still in process of consideration of the competent authority. In fact, as per rules, selection was to be conducted based upon written examination as well as record of service. Admittedly, the second part of selection was still due wherein the selection committee was to consider the record of service as well as marks of written examination in order to prepare the final panel. Actually, after declaration of result of written examination, when the matter was placed before the selection committee, majority of the members disagreed with the result and submitted

their dissent note. The same was placed before the competent authority, who after consideration found many irregularities leading to vitiating the entire selection. Accordingly, the selection process was cancelled and Annexure A/1 order dated 17.10.2018 was issued. The competent authority finding it to be not as per its direction clarified that the selection process should be initiated by following due procedure starting from vacancy assessment as the same may cause undue benefit to few candidates while the deserving candidates may be left out as the selection committee noticed several irregularities. In fact, the competent authority had cancelled the selection process with a direction to initiate the same as per the prevailing rules. Thus, the Original Application filed by the applicants is without any substance and the same deserves to be dismissed.

5. The applicants have filed a rejoinder denying the submissions of the respondents and further stated that as per para 219 (j) (iii) of IREM amended vide Railway Board letter dated 19.06.2009, after declaring the result of written examination on 20.06.2018, the final panel should be drawn up by the selection

committee in order of merit based on aggregate marks of written examination and record of service. Also in between the above referred procedure, the members of selection committee had no occasion/role to submit their dissent note for cancelling the examination. Also in the reply, the respondents have neither submitted any specific reason on the basis of which the selection committee submitted their dissent note nor produced any document/record to justify their stand. Thus, no specific reason was given by respondents even in reply for cancelling the result. Therefore, the impugned order dated 17.10.2018 is totally illegal, arbitrary and in violation of Articles 14 and 16 of the Constitution of India.

6. The private respondents nos. 5 to 22 have filed their reply stating that written examination for the post of Junior Engineer (P.Way) was held on 05.05.2018 and thereafter results were declared vide order dated 20.06.2018 but due to irregularities found in the written examination, the official respondents cancelled the said exam. It was further stated that if the irregularities ought to have not been committed in the said exam, then the answering respondents would

also be selected to the said post as such, the official respondents rightly cancelled the written examination and fixed date for re-examination on 11.11.2018. The Hon'ble Apex Court as well as various Hon'ble High Courts and Tribunal have cancelled the whole selection on the ground of irregularities and directed the concerned authority to initiate fresh selection as such the official respondents have rightly cancelled the written examination and, therefore, the Original Application preferred by the applicants deserves to be dismissed. It has come to their knowledge that number of candidates, who did not participate in the said examination were found successful and were declared as qualified and selected to the said post. It is further stated that the present answering respondents, who have hope of success in the examination and found place in merit but could not be selected due to the said irregularity in selection as the present answering respondents as well as other eligible candidates have been ousted from the select list and those candidates who were not eligible for the said post were selected in the said list. Therefore, they state that the eligible candidates including the applicants, who have outstanding service record and

have hope of success in written examination will be deprived from appointment to the said post. It is further stated that for the post of Junior Engineer, total 46 candidates were declared qualified but only few candidates have challenged the order dated 17.10.2018, which clearly shows that most of the selected candidates were satisfied with the said order and were interested for re-examination. Therefore, as the applicants have concealed the material facts, the present Original Application filed by them has no merit and deserves to be dismissed in the interest of justice.

7. The respondent No. 4 has filed a separate reply and state that the order dated 17.10.2018 has been issued by him in official capacity which is just and proper. The applicants have made him party respondent in his personal capacity without any reason and there is no record to show his mala fide intention. As per law, one has to prove the circumstances leading to malice to implead the official in personal capacity, so as to sustain the challenge on the basis. It is also stated that the order dated 17.10.2018 was issued with the approval of the competent authority. Transfer and Posting of an officer is the prerogative of

administration, which is to be exercised by the Competent Authority in the interest of better administration. As the respondent No. 4 is only discharging his official duties while signing the impugned order so there is nothing illegal in the action of respondent No. 4 and, therefore, the impugned order issued by the respondent No. 4 on directions of the competent authority is just and proper and deserves to be maintained.

8. We have heard the learned counsels for the parties at length through Video Conferencing and examined the pleadings minutely as well as the original selection proceedings produced by the Department including the judgments cited by the parties.

9. This Tribunal vide its order dated 02.11.2018, as an interim measure, stayed the effect and operation of the impugned order dated 17.10.2018 and since then the said interim relief is continuing till date.

10. The official respondents have filed a Misc. Application No. 291/480/2020 stating that the Tribunal after consideration have issued notices to the

respondents and granted interim relief to the applicants by staying the operation of the order dated 17.10.2018. The official respondents further state that the post of J.E. (P.Way) is a safety related category post, which is directly linked with the maintenance of track and, therefore, it is not possible to keep the said posts vacant for a longer period. Also the cadre of J.E. (P.Way) is not a large one. Due to the pendency of the present Original Application, the official respondents are not able to fill the vacancies notified therein but also those which occurred during the intervening period. This is causing a lot of hardship not only in running the trains but also for the safety of goods as well as passengers. Therefore, looking to the entire scenario, it is necessary to fill up the vacant posts as early as possible to manage and maintain the reliability and smooth operation of rail traffic in Kota Division. It was also brought to the notice of the Tribunal that the selection so initiated was notified on 05.01.2018 and the interim orders were passed on 02.11.2018. Since nearly two years have elapsed but due to interim orders passed by the Tribunal, the official respondents are unable to fill up the 22 posts already notified. Therefore, the official respondents

requested the Tribunal to modify / vacate the interim order dated 02.11.2018 and allow them to hold the selection and fill up the vacant posts of J.E. (P.Way).

11. The only question which requires our consideration is whether the General Manager/competent authority is justified in cancelling the written examination due to unavoidable circumstances and conduct re-examination for the said post.

12. It is seen that as per the letter dated 05.01.2018 issued by the respondents, the eligibility for selection on the post of J.E. (P.Way) was prescribed, which are as under:-

“Eligibility criteria Track Maintenance of all grades and Civil Engineering staff, such as USFD staff, Blacksmith, Welder, Painter, Carpenter etc. working on P.way side with 03 years of Railway service and either 10+2 pass with at least three subjects out of Mathematics, Physics, Chemistry and Computer Science OR having Diploma in Civil Engineering/ Civil Engineering (Transpiration) are eligible. All Diplomas should have the recognition/affiliation of AICTE.”

As all the applicants being eligible for appearing in Limited Departmental Competitive Examination (LDCE), for appointment/promotion on the post of Junior Engineer (P.Way), in Pay Band of Rs. 9300-

34800 + Grade Pay of Rs. 4200 (Level 6), under the Engineering Department against 22 posts (General-21, ST-01 SC-Nil) vide letter dated 05.01.2018 had appeared for written examination held on 05.05.2018 and in the results of the said exam dated 20.06.2018, they were declared as qualified/passed. All of a sudden, respondent No. 3 vide order dated 17.10.2018 cancelled the written examination without indicating any reason nor providing any opportunity to the applicants but only stated that under 'unavoidable circumstances' the said examination is cancelled.

13. During perusal of the pleadings, it was noticed that the respondents have neither disclosed the reason of unavoidable circumstances for cancelling the written examination nor enclosed any such report of the so called Selection Committee on the basis of which such an extreme step has been taken for cancelling the written examination without hearing the concerned candidates nor granted them any opportunity to put forth their stand. The Tribunal after hearing the matter had directed the respondents to produce the original proceedings/records connected with the present selection especially pertaining to the

decision being taken for cancellation of the written examination.

14. During perusal of the original record, **some of the extracts of the Final Note are as under:**

“There are cases where working reports have been filled up on single day with different grading for different years by same officer/supervisor which is not an acceptable situation. Working report of candidates have been signed by ADEN on 27.06.2018 while result was declared on 20.06.2018. It goes without saying that record of service is a vital element in the current examination and carries about 40% of the total weightage of marks (30 out of total 80 marks). Hence, any record that is counted for evaluation of final marks for the candidates should be called before the examination is held and in any case not later than the date of declaration of the results, a crucial date on which the marks obtained by the candidates are revealed after decoding. The inbuilt confidentiality provided by the system regarding marks secured by the candidates, ceases to exist on this crucial date. Instructions for calling Working Reports well in advance, have also been issued from Personnel Branch vide SR.DPO/Kota's letter dated 11.11.2011 (CP/86). There exists at least one working report which has been signed after the crucial date of declaration of examination result. Cases where working Reports have been received for the period while few employees were not working under the concerned supervisor is also questionable.

There were two parts of the examination: one is the written test and the other is evaluation of records of service. No doubt, the first part of the selection process has been apparently flawless but in the

second part, discrepancies do exist as mentioned above.” **Also in the Dissent Note of the Selection Committee of which lot of hue and cry is made by the respondents for cancelling the written examination and also there was neither any whisper nor a single averment to state that there were any irregularities committed in the written examination for the post in question nor any mention about calculation of less/more vacancies.**

15. Now coming to the judgments cited by the applicants, they have relied upon the Hon’ble Apex Court’s judgment in the case of **Union of India and Others vs. Rajesh P.U., Puthuvalnikathu and Another**, reported in 2003 SCC (L&S) 1048, wherein the Hon’ble Apex Court has held that *“there was hardly any justification in law to deny appointment to the other selected candidates whose selections were not found to be, in any manner, vitiated for any one or other reasons.”* Therefore, applicants state that cancellation of written examination, for that result has been declared on 20.06.2018 and conducting re-examination without any justified reasons is totally

illegal and arbitrary. The applicants also rely upon the order passed by the Hyderabad Bench of this Tribunal in the case of **P.P. Sadanandam & Ors. vs. The Secretary, Railway Board and Ors.**, decided on 21.02.2005, wherein in an identical matter, the Tribunal relying upon the judgment of the Hon'ble Supreme Court in the case of **Union of India and Others vs. Rajesh P.U., Puthuvalnikathu and Another** (supra), by allowing the O.A., has quashed and set aside the impugned order regarding cancellation of the entire selection proceedings and directed the respondents to finalize the selection by publishing the panel. The applicants have, in rejoinder, also relied upon the judgment of the Hon'ble High Court of Rajasthan at Jaipur Bench in the case of **Surajbhan vs. CAT, Jaipur Bench & Ors.** (D.B. Civil Writ Petition No. 5306/2011) decided on 15.04.2013, wherein the Hon'ble High Court has allowed the Writ Petition filed by the applicant and directed the respondents to proceed further with the process of selection and referred the matter back to the Committee to consider the candidature of the incumbents who qualified the Trade Test for promotion

and take appropriate decision, as per the Scheme of Recruitment Rules.

16. On the other hand, if the contention of the official respondents is seen, they reiterated their stand and stated that they too do not support the impugned order dated 17.10.2018. They state that due to Dissent Note of majority of the Members, who found many irregularities, so the only solution was to cancel the written examination as the vacancies were not correctly assessed. It is their stand that only after written examination was conducted and results prepared, while going through the records, the selection committee found several irregularities. They further stated that even after the said selection in question, there are many vacancies wherein the applicants can apply/participate and their rights will not be vitiated. Also if the zone of consideration is enlarged, many candidates will get a fair chance to participate and, therefore, cancellation of examination is just and proper.

17. The Hon'ble Apex Court in the case of **East Coast Railway & Another vs. Mahadev Appa Rao &**

Others, reported in (2010) 7 SCC 678, relied upon by the applicants, has held that though a candidate who has passed an examination or whose name appears in select list does not have an indefeasible right to be appointed, yet appointment cannot be denied arbitrarily, nor can selection test be cancelled without giving proper justification. The said judgment of **East Coast Railway & Another vs. Mahadev Appa Rao & Others** (supra), clearly states that *the* competent authority should have applied its mind to whatever material was available to it before cancelling the examination and record reasons as to why in its opinion it is necessary to cancel the examination in the interest of purity of the selection process or with a view to prevent injustice or prejudice to those who have appeared in the same. The minimum expectation is that the Authority has passed the orders only after due and proper application of mind to the allegations made before it and has formulated and recorded reasons in support of the said view that the competent authority was taking. These cases covers the present issue in hand as in the present case, competent authority has neither passed orders with proper application of mind nor any reasons are recorded for

cancellation of the examination. Also as per the principles laid down by the Hon'ble Apex Court in the case of **Union of India and Others vs. Rajesh P.U., Puthuvalnikathu and Another** (supra) before cancelling the entire selection process, the facts are required to be examined carefully to see whether there was justification in cancelling the examination and whether the same was done with proper application of mind and with just reasons.

18. As seen from the records, there are two parts, firstly the written examination has no flaw, also no material available on record to show that there is valid justification for cancelling the written examination and conducting re-examination, therefore, the stand taken by the respondents in the impugned order dated 17.10.2018 for cancelling the written examination due to unavoidable circumstances cannot be accepted as the same is without proper application of mind and without any justified reason as there is no material either to show there were discrepancies in written examination nor any mistake in calculation of vacancies. Coming to the second part where discrepancies are noted and marks are allotted

towards assessing the APARs/Working Reports, it is clear that the authorities have not acted with due diligence as per rules in allotting marks and not assessed the same in a justified manner. It is also noted that respondent No. 4 has passed orders in official capacity on directions of the competent authority and there is no record to show his mala fide intention in doing such act.

19. Thus, in absence of due and proper application of mind and in absence of any material available before the competent authority against the present applicants, cancellation of written examination without recording any finding is highly unjust and arbitrary.

20. Accordingly, O.A. No. 291/554/2018 and O.A. No. 291/605/2018 succeed and the impugned orders dated 17.10.2018 (Annexure A/1) in both the OAs are hereby quashed and set aside. The official respondents are directed to go ahead with the selection process further and refer the matter to the Committee to assess the records and allocate marks taking into consideration the marks obtained by the candidates in the written examination of those who

qualified in the said written examination and then take further steps to publish the results of the selected candidates and if found suitable, be appointed / promoted on the post of Junior Engineer (P.Way) with all consequential benefits as per rules. Such exercise should be initiated at the earliest as the official respondents themselves have averred in the Misc. Application No. 291/480/2020 that for safety of passengers as well as goods and to manage and maintain the reliability and smooth operation of rail traffic in Kota Division, the filling of posts of Junior Engineer (P.Way) is necessary to be sorted out at the earliest.

21. In view of the Original Applications being allowed, M.A. No. 291/480/2020 filed by the respondents is disposed of as infructuous.

**(HINA P. SHAH)
JUDICIAL MEMBER**

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**