

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.1831/90

DATE OF DECISION:28.9.1990.

SHRI GHAN SHYAM CHOPRA & ORS.

APPLICANTS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

SHRI B.S. MAINEE

ADVOCATE FOR THE APPLICANTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, JUDICIAL MEMBER

THE HON'BLE MR. I.K. RASGOTRA, ADMINISTRATIVE MEMBER

JUDGEMENT

(DELIVERED BY HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

This application came up for admission on 11.9.1990 when we heard the learned counsel for the applicants. The main arguments advanced for admission of the application are that:-

i) the applicants had appeared in the written test held by the respondents for selection to the post of Ticket Collector on 14.3.1990. About 600 candidates out of 628 who were eligible to appear, appeared in the written examination. 122 candidates were declared successful in the result declared on 17.7.1990. Out of those declared successful in the written test 94 belong to the Scheduled Caste (SC) and 10 to Scheduled Tribe (ST) and the remaining belong to the unreserved category. The applicants feel that this was an unusual phenomenon based on the assumption that the SC/ST candidates could not have done better than the general candidates. The applicants made a joint representation to the General Manager, Northern Railway with a copy to Chief Vigilance Office, Northern Railway, Baroda House, New Delhi on 3.8.1990 (the representation on the file is undated).

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contd....

ii) Notwithstanding the protest of the applicants, the respondents have called the candidates successful in the written test for the viva voce test vide their letter dated 1.8.1990.

Since the respondents have not so far given a reply to the representation, this application has been filed under Section 19 of the Administrative Tribunals Act, 1985.

The application at the present stage is based on certain assumptions e.g. that SC/ST candidates could not have done better than the general candidates in the written examination. There is a general allegation of malpractice/injustice done to the general candidates.

Further the application relates only to the written test. ^{and after evaluation of} Viva voce test is yet to be held, / the performance in the written test and viva voce, a final select list is to be drawn. It is the select list so prepared, which will reflect the finished profile of the selection.

In view of the above circumstances, we are of the view that the applicants should allow a reasonable period to the respondents to dispose of their representation as provided in the Administrative Tribunals Act. Since the application is merely based on the fact that a large number of SC/ST candidates have qualified in the written examination and the representation filed on 3.8.1990 has yet to be disposed of by the respondents, we consider the application before us as pre-mature. The same is, accordingly, dismissed at the admission stage itself. The applicants shall be at liberty to approach the Tribunal at appropriate stage, if they are aggrieved by any concrete order of the respondents.


(I.K. RASGOTRA)
MEMBER(A)

28/9/1990


28/9/1990
(T.S. OBEROI)
MEMBER(J)