

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(5)

REGN.NO. OA 2627/91

Date of decision: 9th April, 92

Shri R.D.Agarwal Applicant

versus

Union of India & Ors. Respondents

CORAM: THE HON'BLE MR.T.S.OBEROI, MEMBER(J)
THE HON'BLE MR.I.K.RASGOTRA, MEMBER(A)

For the Applicant Applicant in person.

For the Respondents Shri Romesh Gautam, Counsel.

1. Whether Reporters of local papers may be allowed to see the Judgement ?

2. To be referred to the Reporter or not?

JUDGEMENT

(OF THE BENCH DELIVERED BY HON'BLE MR.T.S.OBEROI,
MEMBER)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who is a serving Railway employee, is aggrieved by the respondents' not allowing to work as Vigilance Inspector even though he had qualified in the written test and was also called for viva test, as per respondents' letter dated 2.8.1991(Annexure-1), which he had attended on 4.9.1991.

2. His case briefly is that even though he has done well in the viva, after passing the written test as told to him during viva that as his confidential reports and service book etc. had not been received, in which,

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as per the applicant, entries during the period from 1989 to 1991 besides for the period from 19.8.91 to 22.8.91 have not been properly recorded because of the prejudice entertained by the DRM, Muradabad, against the applicant, he could not be allowed to work as Vigilance Inspector, for which he was interviewed. He, therefore, prayed for directions to the respondents concerned to allow the applicant to work as Vigilance Inspector, in Muradabad Division, being senior and eligible for the said post.

3. In the counter filed on behalf of the respondents, the applicant's case was contested, stating that the applicant was duly interviewed, but because of his unsatisfactory record, he failed in the viva and, therefore, could not be appointed as Vigilance Inspector, for which he had taken up the written test and was also interviewed. The allegation regarding the prejudice by any of the respondents was vehemently refuted. The application was also opposed, for want of appropriate orders, under the relevant provisions of the Act, allowing the applicant to file the same in the Principal Bench, rather than at the Allahabad Bench under whose jurisdiction the applicant was serving at the relevant time and is even now serving.

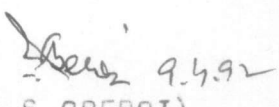
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4. Rejoinder has also been filed on behalf of the applicant, in which he has reiterated his earlier submissions, made in the OA. We have also heard the applicant as well as the learned counsel for the respondents. We also called for the relevant record, in order to look through the allegations contained in the OA, and as also submitted by the applicant during arguments.

5. After careful examination of the whole material on record, including the record regarding the viva test, which mentions about the number of punishments awarded to the applicant during his past service, on account of which, he failed in the viva, we are of the view that the application lacks merit and, in result, the same is dismissed. The respondents' objections regarding jurisdiction of the Principal Bench of the Tribunal, in the absence of appropriate orders of the Hon'ble Chairman, are also not without force. However, we make no order as to costs.


(I.K.RASGOTRA)
MEMBER(A)


(T.S.OBEROI)
MEMBER(J)