

25
OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 11th day of February, 2000

Original Application No. 1075 of 1997

District : Lucknow

CURAM:-

Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

Hon'ble Mr. S. Biswas, A.M.

1. Anil Kumar Singh,
S/o Sri Vishwanath Singh,
G/o K.P. Singh,
R/o Qr. No. A-33-B, Barha Railway Colony,
Alambagh, Lucknow.

2. Brijesh Kumar Yadav,
S/o Sri Radhey Shyam Yadav,
R/o Vill-Mohariya
P.O. Tharwai, District Allahabad.

3.

4. Mahendra Singh, S/o Shri Shiv Nath
R/o C-56, Mehdauri Colony, Teliarganj,
Allahabad.

(Sri Ashok Mohiley, Advocate)

. Applicants

versus

1. General Manager, Northern Railway,
Baroda House, New Delhi.

2. Railway Recruitment Board, through its
Chairman, Annex Building, DRM Office Complex,
Allahabad.

3. Shri SP Saroj, Chairman, Railway Recruitment
Board, Annex Building, DRM Office Complex,
Allahabad.

4. Union of India through Secretary,
Ministry of Railways, Railway Board,
Rail Bhawan, New Delhi.

(Sri Prashant Mathur, Sri Sudhir Agrawal,
Sri SK Mishra, Sri V.B. Kesharwani, Advocates)

. Respondents

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ORDER (Oral)

By Hon'ble Mr. Neelam Sanjiva Reddy, V.C.

Heard counsel for both sides.

2. Counsel for the parties submit that this OA has to be decided on the basis of the order passed by this Tribunal in OA No. 727/1995 and OA No. 635 of 1997, which were decided on 30-8-1999. Paras 7 and 8 of the said order reads as follows:-

"7. We have considered an affidavit filed by the present Chairman of Railway Recruitment Board and it has been mentioned in the affidavit that there was certain irrefutable which proves beyond doubt that gross irregularities and malpractices were conducted in the processing of results of the written examination. A reference has been made to the common orders passed for O.A. Nos. 398/97 and 461/97. The Railway Board was directed to conduct the enquiry into the allegations of irregularities conducted in the said examination within a period of six months from the date of the order. It is stated that the Railway Board has already got the enquiry conducted and has come to the conclusion that in view of the serious irregularities and malpractices committed in the processing of selection for the post of Assistant Station Master the examination need be cancelled and re-examination was required by calling all the candidates who had appeared earlier.

8. We had examined the issues in OA No. 398/97 and 461/97 earlier and in that order we had noted that the Railway Board had enquired into 12 examinations conducted by Railway Recruitment Board, Allahabad and had cancelled the selection because of mass irregularities. The affidavit filed by the present Chairman of Railway Recruitment Board and the record produced by the applicant

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- 3 -

in O.A. No.635/97 confirms the finding reached in those two original applications. We, therefore, direct that Railway Board on the basis of enquiry conducted into the examination held for selection of Assistant Station Master vide Notice No.3/95-96, Category-01 and the result published vide notification dated 23-3-97 shall take an appropriate decision regarding cancellation of the examination in the light of enquiry already made by them. In case they decide to cancel the entire selection the interest of candidates who appeared for the said examination shall be protected by granting relaxation of age, if necessary."

3. In view of the above position, the respondents did not take any consequent proceeding after the written examinations which have been in dispute. Therefore, we direct the Railway Board to set aside the selection process commenced and proceeding afresh for selection of the posts as per Rules. The Railway Board is also further directed to give age ~~age~~ relaxation to all the candidates who had made application earlier for these posts. The OA is disposed accordingly as above.

4. In the facts and circumstances of the case, the parties shall bear their own costs.

S. Ban *V.K.*
Member (A) Vice Chairman

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