

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF FEBRUARY, 2002

Original Application No. 1048 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Dilip Kumar Sharma, a/a 43 years  
S/o Sri Roop Lal Sharma, posted as  
Junior Engineer Works Grade-I  
Northern Railway under Moradabad  
Division posted as Shahjahanpur.

... Applicant

(By Adv: Shri Sudhir Agrawal)

Versus

1. Union of India through the  
General Manager, N.E.Railway  
Baroda House, new Delhi.
2. The Divisional Railway Manager,  
Northern railway, Moradabad.
3. The Asstt. Divisional Railway  
Manager, Norther Railway, Moradabad
4. Assistant Personnel Officer,  
Northern railway, Moradabad.
5. Sri M.P.Singh, Junior Engineer  
Works Grade-I, NR Harthala  
Moradabad.
6. Sri R.K.Katira, posted as Junior  
Engineer Works Grade-I NR Roja  
District Shahjahanpur.
7. Sri ravinder Singh posted as  
Junior Engineer Works Grade-I  
NR, Moradabad.
8. Sri P.C.Sharma, posted as Junior  
Engineer Works Grade -I, NR Moradabad
9. Sri M.A.Siddiqui posted as Junior  
Engineer Works Grade-I NR Haridwar
10. Sri Harish Chandra posted as Junior  
Engineer Works Grade-I NR Moradabad.
11. Sri Ajai Kumar Sharma posted as  
Junior Engineer Works Grade-I  
NR Luxar district Roorkee
12. Shri G.N.Srivastava, posted as Junior  
Engineer Works Grade-I NR Najibabad  
District Bijnor.
13. Sri ram Bali posted as Junior Engineer  
Works Grade-I NR Hardoi

:: 2 ::

14. Sri Anil Kumar Gautam posted as Junior Engineer Works Grade-I NR Sitapur.
15. Shiv Singh Rawat posted as Junior Engineer Works Grade I NR Moradabad.

... Respondents

(By Adv: Shri A.K.Gaur)

Along with Original Application No. 1295 of 2001

1. G.N.Srivastava, posted as Junior Engineer Works Grade-I, N.R. Najibabad, district Bijnor.
2. Sri Ajay Kumar Sharma posted as Junior Engineer Works Grade-I, NR Luxar distt. Roorkee
3. Sri harish Chand, posted as Junior Engineer Works Grade-I N.R Moradabad, distt.Moradabad

... Applicants

Versus

1. Union of India through the General Manager, Northern railway Baroda House, New Delhi.
2. The D.R.M,NR Moradabad
3. The Asstt. Divisional Railway Manager NR, Moradabad.
4. Assistant Personnel Officer NR Moradabad.

... Respondents

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

In OA No.1048/01 applicants have challenged the declaration of the result of the written test <sup>held</sup> on 9.8.2001. The written test has been questioned on various grounds including that the question papers were leaked out and question no.4 of the paper was out of syllabus. They have also prayed that respondents 1 to 4 may be directed to hold a fresh written test for selecting Section Engineer(Works) in Northern Railway in the pay scale of Rs6500-10,500.

:: 3 ::

In OA No.1295/01 applicants had prayed for a direction to the respondents to declare the result of viva-voce/interview held on 8.9.2001 for the post of Section Engineer for which written test was held on 28.7.2001. The applicants in OA 1295/01 are respondents in OA No.1048/01. The controversy regarding the selection for which written test was held on 21.7.01 and 28.7.01 and thereafter viva-voce has been taken on 8.9.01 was subject matter of challenge before the Principal Bench in OA No.2139/01. The Principal Bench after hearing the parties has decided the case with the following direction:-

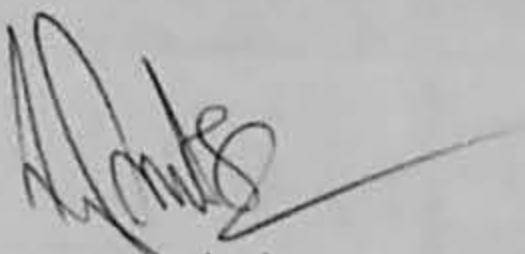
"In the interest of maintaining purity of the selection process, this OA is disposed of with a direction to Respondent No.1(General Manager, Northern Railway) to examine the question scrapping the selection held, and holding fresh selections for the post of Section Engineer(Works) by means of a detailed, speaking and reasoned order in accordance with rules and instructions within two months from the date of receipt of a copy of this order. If upon such examination Respondent No.1 concludes, that there is no need for scrapping the selections already held, they shall record detailed reason for coming to such conclusion. Till such examination is completed, the interim orders passed on 21.8.2001 restraining respondents from declaring the results of the selections held shall continue"

As the present OA also relates to the same selection proceedings these OAs are also disposed of finally with the same direction.

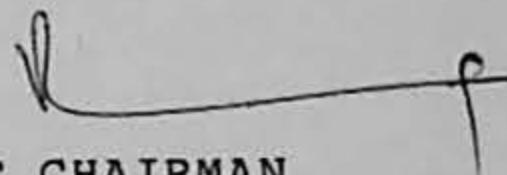
Both the OAs are accordingly disposed of finally on the same conditions as provided in the judgment of Principal Bench quoted above with the modification that the interim order passed by this Tribunal dated 30.8.2001

:: 4 ::

restraining the respondents for declaring the result of selection shall remain in operation till the exercise directed under the order is completed by the respondents. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 6th February, 2002

Uv/