

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1133 OF 2001
THURSDAY, THIS THE 3RD DAY OF OCTOBER, 2002

HON'BLE MR. S. DAYAL, MEMBER-A
HON'BLE MR. A.K. BHATNAGAR, MEMBER-J

Man Bahadur Singh
S/o Late Shri Surya Pal Singh
R/o 287-F Goodshed Colony,
Leader Road, Allahabad.
Present working as Lamp Man,
Office of the D.R.M., N. Rly.,
Allahabad. Applicant

(By Advocate Shri A.N.Tripathi)

Versus

1. Union of India,
Through Chairman,
Railway Board,
Rail Bhawan,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Allahabad.
3. Divisional Commercial Manager,
Northern Railway,
Allahabad.
4. Mohd. Azahar Shams,
Divisional Commercial Manager,
Northern Railway,
Allahabad. Respondents

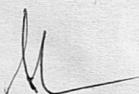
(By Advocate Shri A.K. Gaur)

ORDER

HON'BLE MR. S. DAYAL, MEMBER-A

These two applications have been filed for setting aside the order No.757 E/6/E.C. 2/Chayan/91 dated 13.10.1999. A direction to respondents is sought to announce the scheme of recruitment before commencing recruitment and be directed to make recruitment for all the 43 vacancies.

2. The applicant have claimed in these applications that they were Group 'D' employee having more than 3 years service and were eligible to be considered against the post of Ticket



Collector under 33.33% departmental quota. The Circular dated 27.08.1998 issued by the D.R.M., Allahabad notified 43 vacancies for general category, 555 candidates including the applicant appeared in the written examination and 85 candidates including the applicant was selected for interview. It is claimed that the selection was not fair as the Chairman of the Selection Board took written examination at the time of interview. It is claimed that the marks of the interview were arbitrary. It is also claimed that the ratio of candidates called by the respondents for interview was also arbitrary. It is also claimed that only 31 candidates were selected as against 43 vacancies. It is also claimed that the scheme of recruitment and marks allotted to different heads of interview prescribed in the rules of recruitment for Group 'C' post from Group 'D' employees was not announced. The question papers was also not set as per prescribed pattern. It is claimed that the respondents could not fax any qualifying marks in written examination. It is also claimed that 20 marks could not have been kept for record of the service as the respondents were required to announce the marks allotted to every part of examination before start of recruitment proceedings. It is claimed that the Chairman showed bias towards ^{candidates} belonging to a particular group.

3. We have heard the arguments of Shri S. C. Srivastava, brief holder of Shri A.N. Tripathi, counsel for the applicant and Shri A.K. Gaur, learned counsel for the respondents.



4. Shri A.K. Gaur, learned counsel for the respondents has invited our attention towards judgement in O.A. No.1381/99 of a Division Bench of Allahabad dated 03.05.2002 between Beni Madhau Singh and others Versus U.O.I. and others. This judgement examines the same controversy as has been raised by the applicant before us. These issues have been enumerated in para 2 of the judgement. The objections have been examined in para. 4,5,6 and 7 of the judgement. The O.A. was dis-allowed because the applicant sat in the examination without ~~demur~~ and later raised objections because they had failed in the examinations. Relying on the law laid down by the Apex Court in Om Prakash Shukla Versus Akhilesh Kumar Shukla AIR 1986 SC 1043. The O.A. had been found as lacking in merit and was dismissed.

5. The same order is passed in this O.A. which is also dismissed as lacking in merits for the reasons mentioned in O.A. No. 1381 of 1999 dated 3.05.2002.

6. There shall be no order as to costs.


Member-J


Member-A

/Neelam/