

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This The 20th Day Of May 2011)

Hon'ble Dr.K.B.S.Rajan, Member (J)
Hon'ble Mr. D.C.Lakha, Member (A)

Original Application No. 1097 of 2005
(U/S 19, Administrative Tribunal Act, 1985)

Virendra Prasad S/o Sri Uma Shankar Prasad R/o House No244K
New Loco Colony North Eastern Railway Chhittupur Lahartara
P.O.-Chhittupur Lahartara, District Varanasi. Permanent Address
R/o Vill. & Post-Chibarihagaon, (Bhawan Sthan), District Ballia.
Presently Posted as Personal Inspector Grade IIInd, North Eastern
Railway, D.R.M. Office, Varanasi, District Varanasi.

..... Applicant

By Advocates: Shri D.B. Yadav
Shri R.D. Yadav

Versus

1. Union of India through its General Manager North Eastern Railway Gorakhpur.
2. The General Manager North Eastern Railway, Gorakhpur.
3. The Chief Personnel Officer, North Eastern Railway, Gorakhpur.
4. The Divisional Rail Manager, North Eastern Railway, Varanasi.



5. The Divisional Rail Manager (Personal) North Eastern Railway Varanasi.
6. The Divisional Personal Officer North Eastern Railway, Varanasi.
7. Sri Vivekanand Mishra so called Personal Inspector Grade Ist, quarter No.E/72-A/North Eastern Railway Hospital Colony, District Ballia.
8. Sri Arvind Kumar Srivastava so called Personal Inspector Grade Ist, 244 B, New Loco Colony North Eastern Railway, Chhittupur Lahartara P.O. Chhittupur Lahartara, District-Varanasi.

..... Respondents

By Advocate: Shri P. Mathur
Shri R.C. Srivastava

ORDER

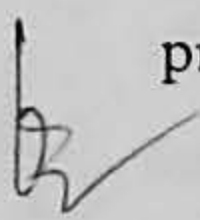
(Delivered by Hon'ble Dr.K.B.S.Rajan, Member (J))

1. The applicant, an aspirant to the post of Personnel Inspector Gr. I (Rs 6,500 - 10,500/-) who was called for written test but who could not succeed in the same has filed this OA alleging irregularities in the holding of the test. It is also contended that the applicant had been visited with a minor penalty for having made the complaint against the illegal selection. Respondents have contested the same stating that the applicant's contentions are wrong as the rule on the basis of which he claims that the selection was wrong, applies to promotion from Group C to Group B which is not applicable in this case. Again, as per the respondents, the linking of a minor penalty which was imposed on account of certain omission/commission, with the main issue has no relevance.

2. None appeared for the parties. Yet justice demands that the case is gone through and decision taken on merits.

3. Four vacancies (3 general and one reserved) for the post of Personnel Inspector (Gr. I) in the pay scale of Rs 6,500 - 10500 were notified in March 2005 for due selection and eligible candidates including the applicant had been duly called for written examination. Three out of the four did not appear in the examination conducted on account of reporting sick. In the subsequent examination they did appear and the result was declared whereby persons mentioned in Annexure A-1 impugned order dated 01-08-2005 were selected. The applicant was one of the failed candidates.

4. The complaint of the applicant about the irregularity committed was made on 30 June 2005 itself and he had demanded revaluation. He had not at that time claimed that the entire notification be cancelled and vacancies re-notified in accordance with rule 203 of the IREM. It was thereafter that he made another representation by which time he came to know as to the persons who have been declared passed in the examination. In this he had raised some leakage of confidential matter as to the person who would be evaluating the answer sheets. Meanwhile for non following of certain orders of the higher Authorities the applicant was issued with a charge sheet and after following the procedure, he was awarded a minor penalty.




5. Respondents' contention is that the rule cited by the applicant as having been violated in conducting the selection is not applicable as the same pertains for selection from Group C to B.

6. In the rejoinder, the applicant had reiterated the contentions of the application. He had also annexed a copy of the Railway Board Policy letter and a decision of this Tribunal in another case (wherein the question was whether there was provision for reservation under restructuring, which is not directly connected with the issue in the instant case).

7. On the basis of the pleadings, it is seen that the respondents had called the eligible and available candidates for written examination one of whom is the applicant who, though initially could not appear in the examination, did participate in the examination. When he came to know that he could not succeed, he started finding faults in the holding of the examination. That there should be a specific number of candidates for selection (vide Ground 1 in the OA) was well known to him at the time when notification was issued. He had not questioned the same at that time. Rule 203 relied upon by the applicant relates to Selection from Group C to Group B as could be seen from the heading of the very chapter and the applicant had misunderstood the scope of that provision and tried to link the same with the selection in question, which is not for Group B post. His linking the penalty which was imposed for an entirely a different matter had been made only to prejudice the Tribunal.

8. Viewed from any angle, the applicant could not make out a case. Hence, the OA is dismissed on merit. No costs.


Member - A


Member - B

Sushil