

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
Allahabad Bench
Allahabad

Original Application No.691 of 2005

Allahabad, this the 16th day of January, 2008.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. K.S.Menon, Member-A

S.S. Baitha, S/o Late Singhassan Baitha,
Senior Section Engg, Track Machine Plant Depot,
E.C. Rly, Mughalsarai, R/o Quarter No.1097 A.B.C.
European Coloney Mughalsarai Chandauli.

...Applicant.

(By Advocate : Shri D.D. Gupta)

Versus

1. Union of India through General Manager, East Central Railway, Hajipur.
2. Member of Selection Committee for Selection of AEN/Grade B East Central Railway, Hajipur.
3. The Principal Chief Engineer East Central Railway.
4. The Chief Personnel Officer, East Central Railway, Hajipur.

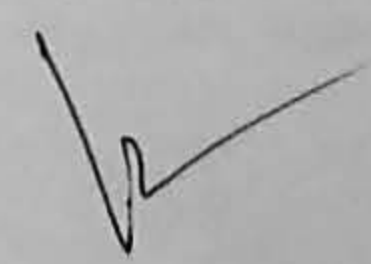
...Respondents.

(By Advocate : Shri S. Singh)

ORDER


By Mr. Justice Khem Karan, V.C. :

The applicant has prayed for quashing the result dated 17.5.2005 (Annexure-A-1) as declared by General Manager (P). East Central Railway, Hajipur for promotion to the post of AEN/Gr. against 70% quota. It is also prayed that the respondents be directed to allow the applicant to appear in viva-voce test and to get his



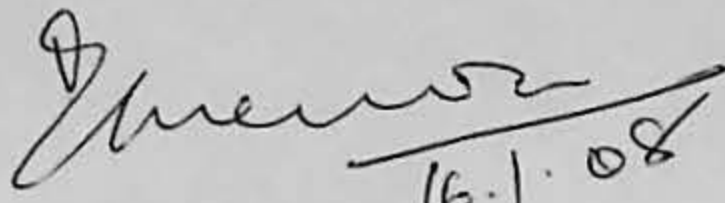
answer books of written examination be re-evaluated. He alleges though several vacancies of reserved quota, in the cadre of Assistant Engineer, under 70% promotional quota, have had been existing in Eastern Railway Calcutta and East Central Railway Hajipur, yet the respondents are not promoting Scheduled Cast^e candidates, due to caste feelings. He alleges himself senior most Section Engineer. His complaint is that he has purposely been failed, in written test held on 8.1.2005, pursuant to advertisement dated 5.7.2005 (Annexure-A-2) issued by East Central Railway, Hajipur for promotions to the post of Assistant Engineer, under 70% quota. He claims, his performance in the written examination was up to mark, even then he was failed by awarding lasses marks and this was done due to casteism.

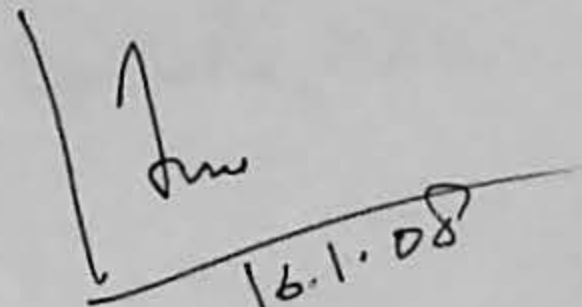
2. Learned counsel for the applicant has argued that in view of Indira Agnihotri (Kumari) Vs. Agra University [(2003) 1 UPLBEC 156], this Tribunal can, in suitable cases, call for the answer books and get the same re-evaluated, so as to see whether allegations of bungling are correct or incorrect. We think each case has to be looked into in the light of its own facts and circumstances. There is a presumption that all official acts, such^a examination of answer books, were performed independently in due course of business. The entire case of the applicant is based on his apprehension that due to caste feelings, he has been failed in written examination.



Necessary facts, substantiating such apprehension, are not in the O.A. On such, misconceived ^{and vague} notions ^{or} ~~are~~ apprehensions, the Tribunal cannot call for answer books and to get the same re-evaluated or direct the respondents to do the same. Sufficient time has elapsed and by how, effect to selections might have been given, proper course for the applicant ^{to} ~~to~~ agitate for filling in the vacancies of reserved quota ~~and to take a chance~~ [?]

3. With the observations made above, the OA is dismissed, but with no order as to costs.


Member-A 16.1.08


Vice-Chairman 16.1.08

RKM/