

(10)

A2  
2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

D.A. No. 1219 of 1987

1. S.K. Mehta }  
2. K.N. Srivastava } ..... Applicants

Vs.

Union of India

through the Secretary  
Ministry of Railways,  
New Delhi

& Others. .... Respondents.

Hon. Mr. K. Obayya, Member (Adm.)

Hon. Mr. S. N. Prasad, Member (Jud.)

(By Hon. Mr. S. N. Prasad, Member (Judicial))

The applicants have filed this application u/s.19 of the Administrative Tribunals Act, 1985 for quashing the examination held on 20-6-87 for selection of candidates for promotion to Group "B" Service for filling up 25% of the vacancies in Class II in Traffic (Transportation) and Commercial Department; and for quashing the examination, if any, held on 19-12-87 for selection of candidates for promotion to group 'B' Service for filling up 25% of the vacancies in Class II in Traffic (Transportation) and Commercial Department; and for restraining the respondents from declaring the result of the examination held on 20-6-87, 21-6-87 and 19-12-87 and making any selection or appointment on the basis of the said examination.

2. Briefly stated the facts of this case, interalia, are that the applicant No.1 is working as Law Superintendent/Chief



Law Assistant and is posted in the office of the Chief Commercial Superintendent, Northern Railway, Varanasi; and the applicant No.2 is working as Commercial Inspector in the office of the Chief Commercial Superintendent, Northern Railway, Varanasi and the applicants are Class III employees and are entitled to be promoted in Class II service of the Northern Railway. The main grievance of the applicants is that by a communication dated 15-6-87 the applicants and others were informed that a limited departmental competitive examination for filling <sup>up</sup> 25% of the vacancies in Class II in Traffic (Transportation) and Commercial Department will be held on 20-6-87 and 21-6-87 at Head Office, Baroda House, New Delhi, <sup>the</sup> above Communication was received on 18-6-87 by the applicant No.1 and the applicant No.2 could not receive the said communication as he was on sick leave. It has further been stated that the Railway Board vide circular dated 4-1-63 have issued the guidelines and procedure for holding selection and it provides that the date for holding the selection should be fixed after the list of eligible staff is made available to the Selection Board, and it further provides that as a normal rule minimum 3 weeks notice should be given to the staff and in exceptional cases notice period may be reduced to 15 days but <sup>by</sup> the respondents in regard to the above examination, only 2 days' time was given for preparation etc. which is violative of the guide-lines of the Railway Board as specified in the above letter dated 4-1-63; and it has been further stated that syllabus of the papers were not specified and as such the applicants have approached the Tribunal for



✓  
X

the reliefs sought for, as indicated above, when their representation to the authorities concerned proved ineffective.

3. The respondents in their counter reply have inter alia, contended that on 17-3-87 vide G.M. (P) Notice No. 752E/67-XIV/E 1A, a general notice was issued specifying <sup>~ therein the syllabus and as such ~</sup> the allegation of the applicants about short-period notice is quite misconceived ~~and~~ the applicants very well knew that they were eligible for 25% vacancies in Class II Selection as a list dated 8-6-87 was already published showing therein the names of the applicants at S.No. 66 and 63. There has been no violation of the provisions of the constitution of India, of manual and code and of the above circular of the Railway Board and as such the application of these applicants is liable to be dismissed.

4. The applicants have filed their, rejoinder wherein they have almost reiterated all those very facts and grounds as mentioned in their main application.

5. We have heard the learned Counsel for the parties and have thoroughly gone through the records of the case.

6. The learned ~~learned~~ counsel <sup>for</sup> the respondents while adverting to the pleadings of the parties and the papers annexed thereto has argued that the applicants were fully aware of their eligibility and the syllabus of the examination through the general notice dated 17-3-87 ~~and~~ issue of general notice to this effect has been admitted by the applicants in para 2 of their rejoinder application, and has further argued that Shri S.N. ~~Das~~ and Shri K.K. Chatterji, who were at Varanasi like that of the applicants, had

✓



2  
A  
/ 5

appeared in the above examination and as such the question of short period of notice is quite fallacious and misconceived; and has further argued that there has not been violation of any provision of the constitution or of any provision of Railway Establishment Code or Manual or of the principles of natural justice and as such the application of the applicant should be dismissed.

7. This is significant to point out that a perusal of para 2 of the rejoinder application of the applicants clearly shows that according to their own admission a general notice dated 17-3-87 was issued.

8. This fact should also not be lost sight of that in para 6 of the counter reply of the respondents it has been specifically mentioned that Shri S.N. Deo and Shri K.K. Chatterji of Varanasi had appeared in the above examination; and a perusal of para 6 of the rejoinder-application of the applicants shows that the above fact has not been denied by the applicants specifically and has been replied evasively.

9. Thus, from the scrutiny of the entire evidence and material on record we find that the application of the applicants is devoid of merit as we find no violation of any rule, procedure and guide-lines of the above letter of the Railway Board dated 4-1-63 (Annexure 4 of the application) and no violation of any provision of the constitution of India and no violation of the principles of natural justice as well.

10. Consequently the application of the applicants

✓

(14)

12/6

-5-

is dismissed without any order as to costs.

Member (J)

28.5.92

Member (A)

Dated 28<sup>th</sup> May, 1992. Allahabad.