

(A.L.)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A.No.936 of 1987

Smt. Raj Kumari Sharma Applicant

Versus

Union of India Respondent

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant appeared in a written test of office clerk in response to an advertisement issued by the Railway Service Commission, Bombay. The applicant was the resident of Bina but now she is staying at Jhansi. The examination took place at Sardar Patel Inter College, Chirgaon, District Jhansi (U.P.). She was declared successful in the written test and called for interview on 16.12.81 at Bhopal. On 7.8.82 she was declared successful in the selection for the post of Office Clerk. The Railway Service Commission, Bombay informed the applicant that her name has been sent to the Central Railways for appointment as Office Clerk. After waiting for a considerable period when she did not get appointment, she approached the authorities and was told that certain enquiries in the irregularities which took place are going on and she should wait for some time more. Later on a fresh list was published on 21.12.86 in the Indian Express and the name of the applicant did not figure in the list. She represented against the same but after failing to get any response a legal notice was sent and thereafter this application was filed before this Tribunal with a prayer that the respondents may be directed to offer appointment to her on the post of Office Clerk or upon any other

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equivalent post on the basis of her result as declared by the Railway Service Commission.

2. In the Written Statement filed by the respondents it has been stated that the cause of action arose in Bina and examination was conducted by the Railway Recruitment Board, Bombay and as such in no case the present petition is cognizable by this Hon'ble Tribunal. Further with the result of the Vigilance enquiry certain tampering were found with the result the applicant's name was dropped and that is why she was not given appointment. The applicant has no right to claim the same. The applicant appears to be the resident of Bina but she is staying at Jhansi. In case her appointment would have been given, communication would have been made at Jhansi. Undoubtedly, merely because the person passed the examination, he or she, as the case may be, and the result declared then she should not have been dropped without any valid reason. If there was some foul play in the inclusion of her name obviously she was to be given an opportunity or she should have been apprised of the necessary facts to enable her to submit reply and meet anything which was against her. But on the basis of the Vigilance Enquiry, the lady should not have been deprived from the appointment in which she became entitled against one of the vacancies which was advertised. No person should be deprived of her rights which accrued or which necessarily will accrue on account of the foul play by the authorities unless she is not guilty or she was not given an opportunity of

hearing. Accordingly the application is allowed and the respondents are directed to hold an enquiry into the matter associating her with the same and in case no foul play on her part is found she should not have been deprived of her appointment because someone has been found guilty. The enquiry should be completed within three months from the date of communication of this order. In case the entire examination has been cancelled and none of those who appeared in the examination got the appointment then the applicant will have no case of her appointment. There will be no order as to costs. The applicant shall appear before the competent authority with the copy of this order on 2.6.1991.

Anurag S.
Member (A)

W
Vice Chairman

Dated the 15th May, 1991.

RKM