

AS (3)

Reserved Order

Central Administrative Tribunal, Allahabad.

Registration O.A.No.460 of 1988

Arun Kumar Mishra .. Applicant

Vs.

Union of India 4 others .. Respondents.

Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

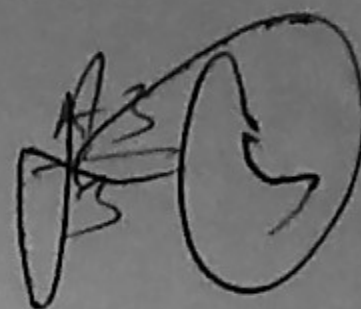
In this petition under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act), the applicant has prayed that the partial results declared by the Railway Service Commission Allahabad on 24.9.1983 and 21.2.1984 be set aside and for declaring the result of the candidates who were interviewed by the Commission from 16.6.1982 to Novr.1982 for 1465 posts of the specified categories. It is alleged that the applicant had appeared in the written test held by the Railway Service Commission on 22.2.1981 in pursuance of the advertisement issued by the Commission on 13.11.1979. The result of the written examination was published in June 1982. The successful candidates were interviewed by the Commission from 16.6.1982 to Novr.1982 but their result was not published and later on the results were published in piece meal on 24.9.1983 and 21.2.84. The allegation of the applicant is that he had done well in the written examination and interview and his name should have been included in the successful candidates but due to some interpolations and irregularities made with a view to help some candidates of the Chairman of the Railway Service Commission, the results were declared in piece meal and the name of the applicant did not figure in the said results.

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He has accordingly prayed that the partial results declared on 24.9.1983 and 21.2.1984 be quashed and the applicant be declared successful on the basis of the result and interview held ^{earlier} in August.

2. This petition was filed on 8.4.1988 with the allegation that the applicant was under the bona-fide belief that his result will be declared in due course and in case the petition is treated to be time barred, the delay in filing the petition be condoned as this Tribunal had issued a notice in the Northern Indian Patrika on 17.2.1988 in connection with the aforesaid results. We have carefully considered the contention raised on behalf of the applicant and are of the view that the validity of the piecemeal results declared by the Railway Service Commission on 24.9.1983 and 21.2.1984 was challenged by a number of persons by filing writ petitions in the High Court and ^{by} some other persons by filing petition u/s.19 of the Act before this Tribunal. As the persons declared successful vide publication of the piecemeal results, as above, were to be informed about the filing of the petitions against them and their number was too large, it was not considered feasible to issue notice to them individually, this Tribunal had directed that such persons be informed by issuing notice in some prominent news papers. Those notices were issued for the benefit of the successful candidates under the two piecemeal results in question and they were not meant for giving any information to the candidates whose final results were not declared at all. The applicant, therefore, cannot take any advantage of the notice issued by this Tribunal, as above. It ~~does~~

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~~not~~ appears from the allegations made by the applicant in his petition that he knew fully well when the piece meal result was declared on 24.9.1983 and 21.2.1984. The cause shown for condoning the delay is, therefore, not sufficient. For quashing the said results, the applicant should have approached this Tribunal by 30.4.1986 according to the provisions of S.21 of the Act. The petition filed by him in April, 1988 is, thus, grossly time barred and such a long delay^{which} has not been satisfactorily explained, cannot be condoned.

3. The petition is accordingly dismissed as time barred at the admission stage.

Bhama
12/5/88

MEMBER(A)

Dated 12.5.1988
kkb

S. Shrivastava

MEMBER(J)