

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD .

Case No. - 364 of 1990

OF 199

Date of decision : 30.11.92

..... Awadhesh Kumar & Ors. Petitioner

..... Shri A. P. Srivastava Advocate for the petitioner.

Versus

..... Union of India & Ors. Respondents .

..... Shri O. P. Srivastava Advocates for the Respondent(s)

CORAM :-

The Hon'ble Mr. Justice U. C. Srivastava, V. C

The Hon'ble Mr. K. Obayya, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

NAQVI,

Signature

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 364 of 1990

Awadhesh Kumar and Others

..... Applicants

Versus

Union of India and Others

..... Respondents

CORAM:

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

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

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

As the pleadings are complete, the case is being disposed of after hearing the parties after taking into account the note of the amendment application which has been allowed but the amendment has not been incorporated. The applicant applied for one of the posts advertised by Railway Service Commission. He was asked to sit in the written test and according to the applicant his performance of written test held at Kasturba Kanya Inter college Jhansi was very good and that why he was called for interview.

2. The applicants complaint is that certain irregularities were committed by the respondents that the name of the candidates have been changed who were selected by the selection list and there is apprehension that this thing may also happened with them. The result is not pronounced even though

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the applicants made representation for the same and instead of declaring the result which they could learn only after letter received from the Railway Recruitment Board dated 21.3.88 informed that their case has been examined by Vigilance Directorate of the Railway Board and they are unable to offer any remarks in the matter and the representation of the applicants was being rejected. They have prayed that the respondents be directed to declare the result of the applicants for appointment in Category 16 on the basis of written test and interview taken in respect to it and the result of the enquiry conducted by the Directorate Vigilance Railway Board.

3. The respondents have opposed the claim of the applicants and have pleaded that the applicants have not appeared for category 16 the result of which has been declared and as a matter of fact appeared for category 25 and the applicants have not been selected as they have not secured the adequate marks for qualifying the final selection and the result in fact was declared after careful scrutiny of each and every case. The mode of investigation by the Vigilance is not known even to the respondents themselves. The applicants have by means of the amendment application/only prayed that the respondents may be called upon to submit the answer book and the results of the interview and psychological test. In view of the fact that the Railway Administration has stated that the applicant

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could not succeed in the examination and there appears no ~~irreversibility~~ doubt and it is not necessary to call for the record merely because the applicants believe that the results have been unfairly prepared, there is no ground for directing the respondents to produce the record. There is no material evidence to show that the applicants have passed.

4. Accordingly, we do not find any merit in this application and this application is dismissed.

Robert
Member(A)

U
Vice Chairman

Dated: 30th Nov: 1992:

(Uv)