CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

1. O.A.No.412/92
Ram Prasad Kushwaha

2. O.A.No.413/92
Aleem Ahamad

3. O.A.No.414/92
Panna Lal

4. O.A. No. 415/92
Mohd. Shakilullah Khan

5. O.A. No.416/92
Harish Kumar Tiwari

6. O.A.No.417/92
Kishore Kumar Sen

7. O.A.No.418/92
P. G. Mutatkar

8. O.A. No.419/92
Vinod Kumar.

9. O.A. No.420/92
Krishna Kumar Soni

10. O.A. No. 421/92
Umakant Boplay

11. O.A. No.422/92
Rakesh kumar Raikwar

12. O.A. No.423/92
Rakesh Kumar Agarwal

13. O.A. No.426/92
K.M. Srivastva

14. O.A. No.427/92
Banshidhar Saini

15. O.A. No. 566/92
Uma Sharma

16. O.A. No. 567/92
Smt. Musharraf Sultana

17. O.A. No.569/92
P.K. Jharkharia

Applicants

Vs.

Union of India & Others. .. Respondents.

Hon. Mr. Justice U.C. Srivastva, V.C.
Hon. Mr. A. B. Gorthi, A.M.

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

As identical pleas have been raised and the claims of these persons are similar these applications are being disposed of

....2

by a common judgment. Shri G.P. Agarwal, learned Counsel for the respondents, who has been asked to take the notices of these cases, has taken the same and wanted some time to file reply. Similar matters have been decided by this Tribunal and therefore, there is no ground for this Tribunal to allow time to the respondents as the applicants are raising their claims on the basis of Judgment given by various Tribunals.

2. These applicants appeared in the written test for the post of Office Clerk and other cadres in response to the advertisement issued by Railway Service Commission, Bombay. They were declared successful in the written test and then they were called for interview. It is said that they were declared successful for selection for appointment to the post of office clerk and in various other categories and their names have been forwarded to concerned Railway Offices for appointment. But no appointment letter was received. When the applicants approached the concerned higher authorities, certain irregularities were detected and they were told to wait for some time more. Subsequently a list was published on 27-12-1986 and the applicants' names did not find place in the list and accordingly they made a representation against the same. As they did not get any reply, after giving legal notices they approached the Tribunal, like similarly affected candidates elsewhere, including Bombay and Allahabad. In these cases the respondents took the plea of jurisdiction which was rejected. It was also stated by the respondents that because there was some foul play by some one the matter was under investigation and that is why the names of the applicants were dropped and they were not given appointment. If there was some foul play in the matter of inclusion of their names, they would have been given an opportunity or at least they would have been appraised of the relevant facts which would have

...3

enabled them to file a representation against the same to make their position clear.

3. Because there was some foul play by some one, even if there was some investigation against some-body, the balance should not have been deprived of the appointment order. Accordingly the application is allowed to the limited extent with a direction to the respondents to launch an enquiry into the matter associating with the applicants in the same and in case no foul play on their part is found they should not be deprived of the fruits of their labour and they should be given appointments. The enquiry shall be concluded within a period of 3 months from date of communication of this judgement and thereafter necessary orders regarding the appointment shall be passed. But we make it clear that if the entire examination is cancelled, none of the candidates who appeared in the examination will get benefit and, therefore, the applicants also will not get any benefit of the observations made as above.

Member (A) Vice-Chairman

Dated 12th May, 1992, Allahabad.

(tgk)