

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 375 of 1992

S.K.Dixit Applicants.

Versus

Union of India & others. Respondents.

WITH

Original Application No: 376 of 1992

P.K.Dubey Applicants.

Versus

Union of India & ers. Respondents.

WITH

Original Application No: 460 of 1992

M.K.Vyas Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 461 of 1992

V.K.Katra Applicants.

Versus

Union of India & others Respondents

WITH

Original Application No: 462 of 1992

O.P.Kushwaha Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 463 of 1992

A.K.Srivastava Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 464 of 1992

B.V.Galvalkar Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 465 of 1992

Smt. H.L.Khalri Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 466 of 1992

Harish Kumar Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No; 467 of 1992

S.K.Shukla Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 468 of 1992

Surendra Kumar Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 469 of 1992

G.B.Magha Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application NO: 470 of 1992

A.B.Khanwalker Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 471 of 1992

B.K.Bhatta Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 472 of 1992

B.R.Singh Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 473 of 1992

R.P.Gupta Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 474 of 1992

R.K.Tewari Applicants.

Versus

Union of India & others Respondents.

WITH

Original Application No: 374 of 1992

ALLAHABAD DISTRICT JUDGE Applicants.
T.K. Mishra

Versus

Union of India & others Respondents

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

Hon'ble Mr. K. Obayya, Member-A

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

Shri C.P. Srivastava has put in appearance in this case and has prayed for disposal of the case. The learned counsel for the respondents Shri P. Mathur prays for time to file Counter Affidavit. It is not necessary to grant time for the same as similar matter has been disposed of by the Bombay Bench and as well as Allahabad Bench. Therefore, the prayer of the learned counsel for the respondents is refused and the case is being decided by hearing the counsels for the parties.

2. In this case, after hearing, we are of the opinion that, the judgement which is delivered at Bombay and which has been followed here at Allahabad will hold good. The applicant appeared in a written test of Office Clerk in response to an advertisement issued by the Railway Service Commission, Bombay. The examination took place at various centres, the applicant was declared successful in the written test and called for interview. The applicant was declared successful in the selection for the post of Office Clerk. The Railway service Commission Bombay informed the applicant that his name has been sent to the Central Railways for appointment as Office Clerk. After waiting for a considerable period when the applicant did not get appointment, the applicant

approached the authorities and was told that certain enquiries in the irregularities which took place are going on and he should wait for some time more.

Later on, a fresh list was published on 21.12.1986 in the Indian Express - and the name of the applicant did not figure in the list. He

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 him on the post of Office Clerk or upon any other equivalent post on the basis of his result as declared by the Railway service commission.

3. In the written statement filed by the respondents it has been stated that the cause of action arose and examination was conducted by the Railway Recruitment Board, Bombay and as such in no administration. case the present petition is cognizable by the/

In the vigilance enquiry certain tempering were found with the result the applicant's name was dropped and that's why, he was not given appointment. In case, his appointment would have been given, a communication would have been made. Undoubtedly, ~~xxxxxx~~ ^{has} ~~because~~ the person passed the examination, he or she, as the case may be, and the result declared then the applicant should not have been dropped without any valid reason. If there was some foul play in the inclusion of his name, obviously, the applicant was to be given an opportunity or he should have been apprised of the necessary facts to enable him to submit reply and meet anything which was against him. But on the basis of the Vigilance Enquiry,

the applicant should not have been deprived from the appointment in which he became entitled against one of the vacancies which was advertised. No person should be deprived of his rights which accrued or which necessarily will accrue on account of the foul play by the authorities unless he is not guilty or he 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 the applicant with the same and in case no foul play on his part is found the applicant should not have been deprived of his 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 his appointment. But in case, some appointments have been made and every case has to be decided on merits as indicated above, the enquiry about the applicant's case may be made within three months from the date of communication of this order. In case, some of the persons are required to appear in Viva-Voce test and their written examination is accepted, but has not been cancelled, they may appear in the Viva-Voce examination. This is a part of the selection itself and in case they succeed their result may be declared and they may be given appointment accordingly. The application stands disposed with these directions. No order as to costs.

..... Contd/- 4

Copy of the judgement shall be placed on every
file.

Member-A

Vice-Chairman

Allahabad Dated: 9.2.1993

(JW)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Appointment

Registration No. OA-463 of 19:92

APPLICANT (s) Arun Kumar Srivastava

RESPONDENT(s) Union of India & others

(copy)

| Particulars to be examined | Endorsement as to result of Examination |
|---|---|
| 1. Is the appeal competent ? | yes |
| 2. (a) Is the application in the prescribed form ? | yes |
| (b) Is the application in paper book form ? | yes |
| (c) Have the complete sets of the application been filed ? | yes (Five sets) |
| 3. (a) Is the appeal in time ? | yes |
| (b) If not, by how many days it is beyond time ? | — |
| (c) Has sufficient case for not making the application in time, been filed ? | — |
| 4. Has the document of authorisation, Vakalat-nama been filed ? | yes |
| 5. Is the application accompanied by B. D /Postal-Order for Rs. 50/- | yes Rs 50/- |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ? | yes |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | yes |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer, and numbered accordingly ? | yes |

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space? *yes*
8. Has the index of documents been filed and paging done properly? *yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application? *yes*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal? *NO*
11. Are the application/duplicate copy/spare copies signed? *yes*
12. Are extra copies of the application with Annexures filed? *yes*
- (a) Identical with the original? *yes*
- (b) Defective? *—*
- (c) Wanting in Annexures *—*
- Nos...../Pages Nos.. ?
13. Have file size envelopes bearing full addresses, of the respondents been filed? *NO*
14. Are the given addresses, the registered addresses? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *NA*
17. Are the facts of the case mentioned in item No. 6 of the application? *yes*
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons? *yes*
19. Whether all the remedies have been exhausted. *yes*

Register as on and list this case before the Hon. *JK*
Court on 5.5.92 for admission

Per 2/4/92
DR 2/4/92

1-
O.A.No. 463/82

(1) 5-5-92.

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

Counsel for the applicant
sought adjournment. List this
case for admission/hearing
on 15-5-92.


J.M.

O.A.No. 463/92

(2) 15/5/92. Hon.Mr.Justice U.C.Srivastva, V.C.
Hon. Mr. K. Bhayya, A.M.

Counsel for the Respondents requested for
4 weeks time to file counter, and extra copy
of application. *the same may be given*
Office to get extra copies.
Time sought for is granted. Rejoinder, if any,
be filed within 2 weeks thereafter. List this
case for hearing on admission 10-7- 1992.

[Signature]
A.M.

[Signature]
V.C.

O.R.

Neither counter nor
Rejoinder affidavit
has been filed so
far.

No vakalat name
on behalf of Respondent
has been filed so far.

my
9/7/92

(3) 10.7.92

Hon. Mr. K. Bhayya, Member (A)
Hon. Mr. Mahesh Das, Member (B)

Counsel for the respondents seeks time
to file counter affidavit. Allowed.
Let counter be filed within 4 weeks.
Rejoinder if any may be filed within
2 weeks thereafter. List this case
on 11.9.92 for admission/hearing.

[Signature]
J.M.

[Signature]
A.M.

OK.
no CA. filed
so far.
[Signature]
21/9

(4)

10/9/1992

Hon'ble Mr. K. Chayya, A.M.

Hon'ble Mr. Maharaaj Din, J.M.

Counsel for the applicant states that the similar matter has been disposed of by the Bombay Bench and as well as Allahabad Bench, copies of which are available in some of these cases. Sri Prashant Mathur counsel for the respondents present in the court is directed to take notice and file reply within 6 weeks. Rejoinder affidavit, if any, may be filed within 2 weeks thereafter. List this case on 20.11.1992 for admission / hearing. Copy of the application may be given to the counsel for the respondents Sri Prashant Mathur.

J.M.

A.M.

/am/

(5) 20.11.92 Hon. Mr. S.K. Dhanoo

Sri Prashant Mathur ~~for~~ learned Counsel for respondents prays further 4 weeks time to file counter affidavit. Rejoinder, if any be filed within 2 weeks thereafter. List on 9.2.93 for admission/hearing.

OR

No counter affidavit
has been filed in
court

8/2/93

Sd/
V.C.