

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 9th day of February 2000.

Original Application no. 599 of 1992.

Hon'ble Mr. Rafiq Uddin, Judicial Member

Hon'ble Mr. S. Biswas, Administrative Member

Sayed Asmat Ali Jafri
S/o M.A. Jafri,
R/o 21/91 Dhuliaganj, Agra.

... Applicant

C/A Shri B.K. Srivastava

Versus

1. Railway Board, Rail Bhawan, New Delhi.
2. Railway Service Commission, 19, Sardar Patel Marg, Allahabad through its Chairman.
3. General Manager, Northern Railway, Baroda House, New Delhi.

... Respondents.

C/R Sri G.P. Agrawal.

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O R D E R

Hon'ble Mr. Rafiq Uddin, Member-J.

This OA has been filed for issuing direction to the respondents to produce entire record of the competitive examination conducted by the Railway Service Commission (respondent no.2) for the perusal of this Tribunal and to quash the result of the candidates published on 25.09.83 and 21.02.84. The applicant have also sought declaration that the candidates of the original selection list are successful in the examination in question.

2. Briefly stated the facts of the case are that a competitive examination for the recruitment of 250 posts of Assistant Station Master in category I and 1215 posts of category 2 comprising of guard Grade C, Goods Clerk, Coaching Clerks, Signallers, Train Clerks, Office Clerks, Ticket Collectors and Telephone Operators was held by the Railway Service Commission, Allahabad (respondent no. 2) in which the applicant was also one of candidates. The vacancies of the aforesaid examination were published vide employment notice no. 1/79-80 in Northern Indian Patrika, Allahabad. The written examination was held on 22.02.81 and the result there of was declared in the year 1982. The applicant was declared successful in the written examination. The interviews of the successful candidates were held between 16.06.82 to November 1982. The applicant also appeared in the interview on 15.07.82. The applicant claims that his performance at the interview board was appreciated by the members of the Board and ^{an} impression was given that he would definitely be selected. The applicant also claims on the basis of some reliable source that in the list of 1465 successful candidates, his name was also

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included for the posts in category 1 and category 2. The list was ready for publication but in the meantime, new Chairman of Railway Service Commission Shri B.P. Bhargava took over. According to the information to the applicant the new Chairman in order to accomodate his own candidates tempered with select list of the candidates, raised a false bogey in the examination and referred the matter to the vigilance authority to conduct inquiry. The result of the successful candidates were declared on 22.09.83 and 24.09.83 in Amrit Prabhat news paper, in which the name of 453 selected candidates in category 1 and 121 candidates in category 2 were published. The name of the applicant did not find place in the aforesaid lists. The result of the remaining candidates was later on published on 22.02.84 in Northern Indian Patrika, but the name of the applicant was not there in the list of successful candidates.

3. The applicant made representation on 28.12.1982, 05.12.1986 and lastly on 28.12.1990 to the respondents complaining for non inclusion of his name in the list of successful candidates, but no order was passed, hence he has filed the present O.A. for the reliefs indicated above.

4. The applicant has challenged the result of the examination mainly on the grounds that the respondents has tempered with the examination process and in finalising the list of successful candidates. Action of the respondents smacks nepotism, favouritism and arbitrariness in not publishing the list of successful candidates in which his name was supposedly included. The applicant has also challenged the action of the Chairman of the Railway Service Commission for refering the matter to the vigilance

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department for investigating the alleged irregularities in the selection process. The declaration of result in part is also challenged being illegal.

5. In the present case no counter affidavit has been filed. Shri B.K. Mishra proxy counsel for Shri B.K. Srivastava appeared on behalf of the applicant and Shri G.P. Agrawal appeared on behalf of the respondents.

6. In the present case the applicant has challenged the result of the examination which was declared on 22.09.83, 24.09.83 and 21.02.84. The applicant has also claimed that he made representation to the respondents on 28.12.83, 05.12.86 and 28.12.90. The original application has been filed on 23.04.92. Obviously the O.A. is time barred. The applicant has also not filed any application for condonation of delay. The Apex Court in a very recent case namely Sri Ramesh Chandra Sharma Vs. Udham Singh Kamal, 2000 (1) ATJ 178, has held that, if the Original Application is time barred and no application for condonation of delay has been moved it is not proper to the Tribunal to decide the matter on merit and the same should be dismissed under section 21 (3) of the A.T. Act, 1985. Hence the OA is liable to be dismissed being time barred.

7. We have considered the matter on merits^{also}. The case of the applicant is based on mere, presumption, conjecture^{ure} and surmises. The contents of O.A. are vague. The applicant has alleged favouritism and nepotism, having^{been} committed by the respondents in declaring the results of the examination in question. But the applicant has not

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specifically mentioned the facts and the evidence to prove his allegations. The allegations in the OA are vague and uncertain. His information about his name being included in the select list of the candidates is based on reliable source. The Tribunal is not an investigating agency to probe allegations of ^R~~collect~~ irregularities in the declaration of result, ^{there is no} evidence to prove the case of the applicant. The applicant should have approached the Tribunal with specific case and evidence to prove irregularities in declaring the result.

8. In the result the O.A. is not maintainable and is devoid of merit and the same is dismissed.

S. Ban
Member-A

P. J. Madan
Member-J

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