

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 30th day of August, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 1861 of 1993

Krishna Kumar Srivastava, S/o Late R.P. Srivastava  
Sr. Commercial Clerk (R)U|DCM, E. Rly. Mughalsarai.

.....Applicant.

Counsel for the applicant :- Sri S.K. Dey  
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,  
Eastern Railway, Calcutta.

2. The Chief Cashier, E. Rly. Calcutta.

.....Respondents.

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for direction to respondents to include the name of the applicant in the panel prepared for Junior Cashier dated 12.11.1992 with all benefits and emoluments which have been paid to others.

2. The facts giving rise to this controversy are that on 27.06.1989, a notice was issued by respondent No.2 notifying that a written examination for preparing





panel for the post of Junior Cashier would be held. A list of eligible candidates was circulated with the notice. The name of the applicant was shown in the list at Sl. No. 68. It is not disputed that the applicant appeared in the written test and he was called for interview. The panel was prepared on 19.10.1989, in which applicant's name was not shown. It appears that the panel dated 19.10.1989 (annexure A- 3) was challenged before the Patna Bench of this Tribunal in O.A No. 327 of 1989. The O.A was allowed by order dated 11.12.1990. The operative part of the judgement is being reproduced below :-

"For the reasons discussed above, we have come to the conclusion that the selection committee did not conduct the selection in a just, fair and legal manner. Therefore, the entire selection process after the stage of written test is vitiated. We, accordingly quash the final panel dated 19.10.1989 (annexure-I) and the results of the written test as declared on 20.09.1989 and 22.09.1989 (annexure-3 and 4 respectively). The mark sheets as submitted by the Ex-examiner is, however, sustained. The respondents are directed to make a fresh list of candidates to be called for viva voce test on the basis of the marks obtained by them in the written test strictly according to merit. The selection of candidates for the final panel should then be prepared in accordance with rules on the subject."

3. In pursuance of the order of Patna Bench of this Tribunal, on the basis of marks obtained in the written test, a fresh list of candidates, who were found eligible in the written test was prepared for being called in viva-voce. The candidates mentioned in this list were called for viva-voce test on 14.09.1992. After viva-voce test, a final panel was prepared and

published on 12.11.1992, a copy of which has been filed as annexure A- 7. The grievance of the applicant is that though after written test, he was called for viva-voce test but after the judgement of the Patna Bench, he was not called for the viva-voce test and thus, he has been denied the chance for being included in the panel of Junior Cashier.

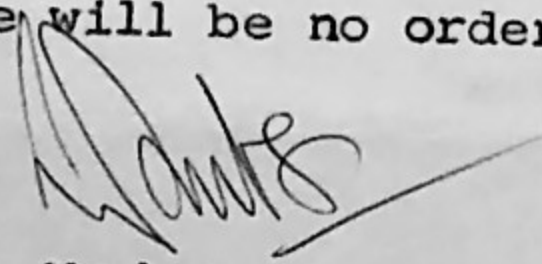
4. In para-7 of the counter reply, it has been asserted that in-pursuance of the order of Patna Bench of this Tribunal, the result of the written test as declared on 20.09.1989 and 22.09.1989 stood cancelled. Candidates were called for the fresh viva-voce test held on 14.09.1992 on the basis of marks obtained by them in the written test strictly according to their merit. It has been stated that as the applicant could not secure 60% marks, therefore, he was not eligible to be called for viva-voce test. It has been denied that the candidates were called on pick and choose basis. In support of the averments, the respondents have also filed an extract of the Railway Establishment Manual requiring 60% marks in the written test for selection post and for getting eligibility to be called for viva-voce test. In the facts and circumstances, in our opinion, applicant can not be granted relief claimed in this O.A. The result of the written test, declared on 20.09.1989 and 22.09.1989 was quashed by the Patna Bench of this Tribunal and on basis of the marks secured in the written written test, a fresh list of the eligible candidates, who have obtained 60% marks and above, was prepared. ~~In the~~ ~~facts and circumstances mentioned above,~~ No material

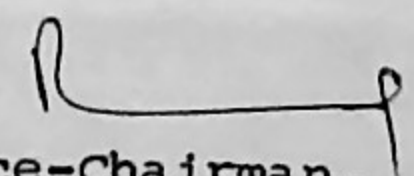
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has been placed before us to show that the marks obtained by the applicant in the written test <sup>were</sup> ~~was~~ 60% and he was eligible for being called in the viva-voce test. In the circumstances, we do not find the applicant to <sup>be</sup> entitled for the relief claimed in the O.A and is accordingly dismissed.

5. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

Dt.30.08.2001

/Anand/