

Open Court

Central Administrative Tribunal
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 22nd Day of February, 2000.

Coram: Hon'ble Mr. Rafiq Uddin, Member (J.)
Hon'ble Mr. S. Biswas, Member (A.)

Civil Con. App. No. 1175/92 in O.A. 1275/91

With

Civil Con. App. No. 2519/93 in O.A. No. 1278/91

With

Civil Con. App. No. 1500/93 in O.A. No. 730/87

With

Civil Con. App. No. 184/91 in O.A. No. 318/89

With

Civil Con. App. No. 1157/92 in O.A. No. 685/89

With

Civil Con. App. No. 203/93 in O.A. No. 860/91

With

Civil Con. App. No. 202/93 in O.A. No. 981/91

With

Civil Con. App. No. 1171/92 in O.A. No. 1033/91

With

Civil Con. App. No. 1168/92 in O.A. No. 1035/91

With

Civil Con. App. No. 188/93 in O.A. No. 1036/91

With

Civil Con. App. No. 185/93 in O.A. No. 1040/91

With

Civil Con. App. No. 1916/92 in O.A. No. 1042/91

With

Civil Con. App. No. 1169/92 in O.A. No. 1044/91

With

Civil Con. App. No. 187/93 in O.A. No. 1045/91

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Civil Con. App. No. 186/93 in O.A. No. 1274/91

With

Civil Con. App. No. 189/93 in O.A. No. 1279/91

With

Civil Con. App. No. 718/93 in O.A. No. 1280/91

With

Civil Con. App. No. 1164/92 in O.A. No. 1285/91

With

Civil Con. App. No. 1170/92 in O.A. No. 1282/91

With

Civil Con. App. No. 1172/92 in O.A. No. 1288/91

With

Civil Con. App. No. 1160/92 in O.A. No. 1290/91

With

Civil Con. App. No. 2262/93 in O.A. No. 1292/91

With

Civil Con. App. No. 1173/92 in O.A. No. 1294/91

With

Civil Con. App. No. 1174/92 in O.A. No. 1295/91

With

Civil Con. App. No. 1163/92 in O.A. No. 1299/91

With

Civil Con. App. No. 1161/92 in O.A. No. 1301/91

With

Civil Con. App. No. 1162/92 in O.A. No. 1306/91

With

Civil Con. App. No. 1471/93 in O.A. No. 461/92

Mohd. Raza aged about 31 years
son of Sri Mohd. Ibrahim
resident of 25/4, Issai Tola,
Frem Nagar,
Jhansi
(By Sri R.K. Nigam, Adv.)

C.C.A. No. 1175/92
in
O.A. No. 1275/91

S.D. Verma aged about 32 years
son of Sri G.D. Verma
r/o 62 Chaman Ganj,
Sipri Bazar Jhansi
Jhansi.
(By Sri R.K. Nigam, Adv.)

C.G.A. No. 2519/93
in
O.A. No. 1278/91

Sri Shool Pani Dutta
son of Sri Habindra Nath Pullan
r/o 69 Chheepi Tank,
Hira Lal Building Meerut

C.C.A. 1500/93
in
O.A. 730/87

Rajesh Kumar aged about 31 years
son of Sri Bhajan Lal Shrivhare
C/P Shrivhare Pan Bhandar,
Gwalior Road, Bus Stand,
Debra
Distt. Gwalior
(By Sri R.K. Nigam, Adv.)

C.C.A. No.184/93
in
O.A. 318/89

Indra Lata aged about 32 years
w/o Sri Ashok Kumar Shukla
r/o 719/3 Abbott Ganj
Near Chitra Cinema,
Civil Lines,
Jhansi.
(By Sri R.K. Nigam, Adv.)

C.C.A. 1157/92
in
O.A. 685/89

Satish Chandra Gupta aged about
32 years son of Sri Bal Kishan
Gupta, r/o Naveen Sahitya Sadan
Kamla Market,
Dabra,
Distt. Gwalior (M.P.)
(By Sri R.K. Nigam, Adv.)

C.C.A. No.203/93
in
O.A. 860/91

Radhey Shyam Modhi
aged about 32 years
s/o Mullua,
R/O Teacher Colony,
Bujurg Road, Dabra
Distt. Gwalior
(By Sri R.K. Nigam, Adv.)

C.C.A.202/93
in
O.A. 981/91

Smt. Neeta Agarwal
aged about 30 years
w/o Sri Sohan Agarwal
r/o 102/1 Rani Mahal, Road
Gusainpura, Jhansi.
(By Sri R.K. Nigam, Adv.)

C.C.A. 1171/92
in
O.A. 1033/91

Vilas Chandra Pateriya
aged about 31 years
son of late Sri P.L. Pateriya
R/O 22 Mauthana,
Lalitpur (U.P.)
(By Sri R.K. Nigam, Adv.)

C.C.A. 1168/92
in
O.A. 1035/91

Smt. Pramila Srivastava
aged about 30 years
W/O Sri D.K. Srivastava,
656 Nasiba Ganj,
Sipri Bazar
Jhansi.
(By Sri R.K. Nigam, Adv.)

C.C.A. 188/93
in
O.A. 1036/91

Dilip Kumar
aged about 30 years
son of Sri N.C. Bose
r/o 767/8 Masiha Ganj,
Sipri Bazar,
Jhansi.
(By Sri R.K. Nigam, Adv.)

C.C.A. 185/93
in
O.A. 1040/91

Rajeshwar Dayal aged about 33 years
son of Sri Prabhu Dayal
r/o 210 Moni Baba
Outside Sainyer Gate,
Jhansi.
(By Sri R.K. Nigam, Adv.)

C.C.A. 1916/92
in
O.A. 1042/91

Anil Kumar aged about 34 years son of Sri Om Prakash Agnihotri r/o 29 Chandra Shekhar Azad, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A.1169/92 in O.A. 1044/91
Avinash Deo aged about 30 years s/o Sri Vinayak Rao Deo r/o 85/1 Chandra Shekhar Azad, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 187/93 in O.A. 1045/91
Shiv Pratap Tiwari aged about 32 years son of Sri Babu Lal Tiwari r/o 1084, Civil Lines, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A.186/92 in O.A. 1274/91
R.K. Ephraim aged about 32 years s/o Sri Nareesh Kumar Ephraim r/o 243/3 Nainagarh, Nagra, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A 189/92 in O.A. 1279/91
Ashok Kumar aged about 36 years son of Sri R.L. Srivastava C/O Sri Vinod Kumar Srivastava RB-II, 759 D, Rani Laxmi Nagar, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 718/93 in O.A. 1280/91
Suresh Kumar Singh aged about 30 years son of Sri Mohan Lal Arya C/O Bhargava Nursing Home, Katra, Banda (By Sri R.K. Nigam, Adv.)	} C.C.A. 1164/92 in O.A. 1285/91
Narayan Agnihotri aged about 30 years son of Sri Madan Gopal Agnihotri r/o 11/3, Civil Lines Shastri Marg, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1170/92 in O.A. 1282/91
Shrikant Abhyankar aged about 30 years son of Sri J.S. Abhyankar r/o 28 Toriya Narsingh Rao, Jhansi (By Sri R.K. Nigam, Adv.)	} C.C.A. 1172/92 in O.A. 1288/91
Prabhat Kumar Misra aged about 33 years son of Sri Krishna Dayal Misra r/o 35/2 Nanak Ganj Sipri Bazar, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1160/92 in O.A. 1290/91
Ramji Lal Sharma aged about 32 years son of Sri Murari Lal Sharma r/o Civil Lines, Station Road, Lalitpur. (By Sri R.K. Nigam, Adv.)	} C.C.A. 2262/93 in O.A. 1292/91
V.K. Desari aged about 30 years son of Sri K.D. Desai r/o 30 Narsingh Rao Toriya Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1173/ in O.A. 1294/91

Anoop Kumar aged about 32 years son of Sri R.S. Kudesiya r/o 571/13, Prem Ganj, Sipri Bazar, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1174/92 in O.A. 1295/91
Vinod Kumar Gupta aged about 33 years son of Sri Pyare Lal Gupta, r/o 131, Panna Lal, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1163/92 in O.A. 1299/91
Kishan Rai aged about 34 years son of Sri Jamna Prasad Rai, r/o 1001/2, Civil Lines, Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1161/92 in O.A. 1301/91
Ravi Kant Dixit aged 32 years son of Sri Lalji Sahai Dixit resident of Ardali Bazar, Katra, Banda. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1162/92 in O.A. 1306/91
U.K. Katre aged about 27 years son of Sri Ram Chandra Rao Katre r/o Parkota Gursarain, Distt. Jhansi. (By Sri R.K. Nigam, Adv.)	} C.C.A. 1471/93 in O.A. 461/92.

. . . Applicants

(By Sri R.K. Nigam, Adv.)

Versus

B.B. Mudgil, Chairman, Railway Recruitment
Board, Bombay Central,

. . . Opp. Party.

(By Sri A.K. Gaur, Adv and
Sri A.V. Srivastava, Adv.)

Order (Open Court)

(By Sri Rafiq Uddin, Member (J.))

The applicants in all these Civil Contempt applications have alleged the willful disobedience on the part of the respondents ^{in fact} ~~in~~ not complying with the order passed by this Tribunal in O.A. 1274/91, along with other O.As. No. 1275/91, 1276/91, 1277/91, 1278/91, 1279/91, 1280/91, 1281/91, 1282/91, 1283/91, 1264/91, 1285/91, 1286/91, 1287/91, 1288/91, 1289/91, 1290/91, 1291/91, 1292/91, 1293/91, 1294/91, 1295/91, 1296/91, 1297/91, 1298/91, 1299/91, 1300/91, 1301/91, 1302/91, 1303/91, 1304/91, 1305/91 and 1306/91.

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Since the facts and disputes involve in all these C.C.As. are common, the same are being disposed of by a common order.

2. Briefly stated the facts of these cases are that the applicants appeared in written test for appointment of various categories in response to an advertisement issued by the Railway ^{De Service} ~~Servants~~ Commission Bombay (Now redesignated as Railway Recruitment Board). The examination took place at Chirgaon, Distt. Jhansi one of the centres for examination. The applicants were declared selected candidates after written examination and interview. Their names were also recommended by the Commission for appointment. However, later on they were informed by the authorities concerned that ^{due to} certain enquiries ⁱⁿ respect of irregularities having been committed during the examination, ~~therefore~~ ^{due to}, their appointments could not be issued. The applicants have alleged that a fresh list of successful candidates was published in the Indian Express on 17.12.86 but the names of the applicants were missing. Some of the applicants were also called for second interview which took place in the month of June 1987 but the result was not declared. Since the posts were available the applicants were not given appointments they approached this Tribunal by filing the O.As. This Tribunal vide order dated 22.1.92, 3.2.92 and 12.10.92 allowed the applications. The relevant part of the order is as under:-

" Accordingly, the applications are allowed and the respondents are directed to hold an enquiry into the matter associating the applicants with the same and in case no

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foul play on their part is found, they may not be deprived of their appointment because some other persons have 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 applicants will have no case for their appointment. There will be no order as to cost. The applicants shall appear before the Competent Authority with a copy of this order on 28.2.92."

3. The applicants in the present C.C.As. have alleged that the copy of order was handed over personally by them in the office of the O.P. at Bombay but the O.P. did not comply with the order of this Tribunal. Instead of it used uncalled for expression against the applicants and this Tribunal. It is alleged that disrespectful language was used against the applicants and the Tribunal.

4. The respondents in their counter reply have denied the allegations and stated that the respondent has obeyed the order of this Tribunal. It has further been clarified that prior to passing of the present order by this Tribunal, the C.A.T. Bench of Mumbai had also vide order dated 14.2.91 directed the Railway Administration to appoint a High Powered Committee to scrutinise all cases after giving notice to the affected parties and to perform its opinion about the genuineness of the test on the cases filed by number of candidates for category No. 25. Accordingly the High Powered Committee scrutinised the cases ^{of Rn} ~~about~~ about 693 candidates including the cases of applicants. All the candidates were called to appear before the

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committee but the committee did not recommend appointment or selection of any of the candidates. Thus the direction given by this Tribunal for holding an enquiry into the matter has substantially been complied with. The report submitted by the committee has been duly accepted by the competent authority.

5. It has also been mentioned by the respondents that Civil Appeal No. 1821-31 of 1994 were filed before the Apex Court on behalf of the Chairman, Railway Recruitment Board, Mumbai in respect of the selection in question. The Apex Court vide order dated 29th September 1994 has upheld the recommendation of the High Powered Committee and dismissed the contempt petition filed against the Board and other respondents. A copy of the aforesaid judgment of the Apex Court has been placed before this Tribunal for perusal by the learned counsel for the respondents.

6. We have heard Sri A.K. Gaur, Adv. for the respondent and perused the record. We have also ^{report of} perused the High Powered Committee which has been brought in sealed cover.

7. It may be mentioned at the very outset that no R.A. has been filed on behalf of the applicants disputing the facts mentioned in the C.A. Since this Tribunal had ordered for holding an enquiry regarding the alleged irregularities committed in holding the competitive examination and High Powered Committee was constituted by the respondent to look into the matter, in our considered opinion, sufficient compliance of the order of this Tribunal has been made. Besides it, the matter has also been

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considered by the Apex Court in the Civil Appeal Nos. 1821-31 of 1994 referred to above in which the recommendations made by the High Powered Committee have been accepted. We do not consider ^{necessarily} to proceed further in the matter on the allegations made in the C.C.A. In our considered opinion there is no ground for proceeding for contempt against the respondent.

8. Under the facts and circumstances mentioned above, the C.C.As. are dismissed and notices issued to the respondent are discharged.