

Last page

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 14 day of April 1995.

Original Application no. 245 of 1995.

Hon'ble Mr. S. Das Gupta, Administrative Member
Hon'ble Mr. J.S. Dhaliwal, Judicial Member.

Bhola Ram, S/o Shri Kallu, R/o 323 Civil Lines,
Opposit Shivlok Hotel, Distt. Lalitpur.

... Applicant

C/A Shri V.C. Srivastava

Versus

- i. Union of India, through Chief Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
- ii. The General Manager, Central Railway, Bombay, V.T. Bombay.
- iii. The Chief Personal Officer, Central Railway, Bombay VT, Bombay.
- iv. The Divisional Railway Manager (P), Central Railway, Jhansi Division, Jhansi.
- v. Shri B.K. Patel, Commercial Inspector, Central Railway, Jhansi Railway Division, Jhansi.
- vi. Shri J.N. Abraham, Commercial Inspector, Central Railway, Jhansi Division, Jhansi.
- vii. Shri Suresh Narain Vyas, Commercial Inspector, Central Railway, Jhansi Railway Division, Jhansi.

... Respondents

C/R ...

ORDER

Hon'ble Mr. S. Das Gupta, Member-A

The Applicant applied for selection on the

Cont...2/-

// 2 //

post of Commercial Inspector to be filled from amongst the departmental candidates on the basis of written test as well as viva-voce test and was placed at sl. no. 8 in the list of candidates who were successful in the written test. He was called for viva-voce test along with the other successful candidates, and he appeared in the said test on 19.11.95.

2. The applicant claims that he answered the questions put to him in the viva-voce with full confidence and that he fared well in the said test and, therefore, he should have been declared successful. The final result of the successful candidates after viva-voce test was, however, not published and as such the applicant claim that he remained in the dark as to his position in the final merit list.

3. ^{in. The} The applicant alleges only in March 1987 he heard ^{from} ~~rumors~~ ^{rumors} that the results have been declared and some candidates from the list of successful candidates in the written test have been declared finally successful.

4. The applicant further alleges that the respondent no. 6 who was below in the list of

Cont...3/-

WL

// 3 //

successful candidates in the written test had told him in confidence that the merit of the candidates will not count very much and success has to be procured by backdoor ~~on~~ extraneous consideration, illegal gratifications etc. The applicant, however, did not pay any heed to this as he had full faith in administration. However, when he heard that he had not been declared successful he started making representations, repeatedly. However, he failed to elicit any response. This led the applicant to file the Original Application under section 19 of the Administrative Tribunal Act, 1985, seeking relief that he be declared successful for the post of commercial apprenticeship and for training as Commercial Inspector.

5. It is not the case of the applicant that he found a place in the list of the successful candidates after written test and viva-voce test. It is clear from the averment that he was not included in the final list of selected candidates. His claim is based only on self assessment of his performance in the viva-voce test. It is not the case that any malafide was involved in the selection process. His case is highly time barred and though the Suppl. affidavit has been filed seeking condonation of ^{delay} ~~delay~~, the reasons shown are far from convincing. Apart from ~~■■■■■~~ being timebarred, as we have indicated in the foregoing paragraph, the case lacks merit.

SL

// 4 //

6. The application merits dismissal and the same is accordingly dismissed both on the ground of limitation and also being devoid of merit on the admission stage itself.


Member J


Member A

/pc/