

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 30TH DAY OF OCTOBER, 2001

Original Application No. 628 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

Raj kumar Dubey, Son of
Sri Amarjeet Dubey, R/o village
and Post Office Barkachha Kalan,
Tappa 84, Pargana Kantit, Tehsil
Sadar, District Mirzapur.
Present Address C/o Sri Surendra Nath
Dwivedi, Mohalla Auri Mor, Town
Anpara, P.O. Anpara, district Sonbhadra

... Applicant

(By Adv: Shri N.D.Kesari)

Versus

1. Union of India through the Secretary
Ministry of Railways, Union
Government, New Delhi.
2. Northern Railways through
the General Manager, Office at
Baroda House, New Delhi.
3. Chairman, Railway Recruitment
Board, Allahabad.
4. The Railway Recruitment Board,
Allahabad through its Secretary.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant
has prayed that ~~cancel~~ selecting the candidates for the
post of Assistant Teachers, in pursuance of Employment
Notice 1/93-94, be quashed and the applicant be
permitted to appear in viva-voce for the said post and
the fresh selection list may be directed to be
prepared.

The facts of the case ~~is~~^{are} that an advertisement was issued by the respondents on 31.7.1993 inviting applications for appointment as Asstt. Teacher^p in the scale of Rs1200-2040. In response to the aforesaid advertisement applicant filed an application and appeared in the written examination held on 24.4./1994 with the Roll No. 0810949. The viva-voce test was held on 18.5.95 in which applicant could not appear and thus he was not selected. The claim of the applicant is that the intimation was not sent to the applicant for appearing in viva-voce test at his correct address supplied by him in pursuance of the advertisement and for this reason he was deprived of to appear in viva-voce.

The case of the respondents in other hand, is that intimation was sent to the applicant at his correct address and if it was not delivered to him the respondents are not responsible for the same. It has also been said that apart from the individual letters sent to candidates who passed the written examination, a general notice was also published in employment news of 6 to 12th of May 1995 and in this notice date of interview was clearly mentioned with the further caution that in case letters to the selected candidates are not received, they should approach the Railway Recruitment Board at 8 A.M. on the same day. It is submitted that Railway Recruitment Board took all necessary precautions and if the applicant failed to appear it was on account of his negligence.

We have carefully considered the submissions of learned counsel for the parties. It is true that applicant had supplied address for communication as

under:

Raj Kumar Dubey
C/o Sri Surendra Nath Dwivedi
Mohalla Auri Mor,
Town Anpara, P.O. Anpara
District Sonbhadra

The letter was sent to the applicant by the respondents for appearing in interview at the following address:

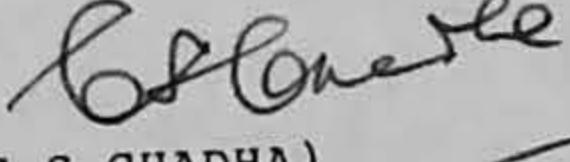
Raj kumar Dubey
S/o Sri Amarjeet Dubey
Mohalla Auri Mor,
Post Office Anpara
District Sonbhadra
Uttar Pradesh
Pin-231

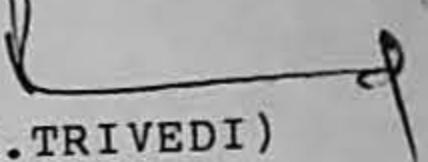
Roll Number of the applicant was also mentioned. The counsel for the applicant has submitted that applicant was resident of village & Post Barkachha Kalan which is situated in an interior place and to avoid non service of the notice he had given address of town Anpara. However, C/o Surendra Nath Dwivedi was not mentioned, hence the letter could not be served. It is true that address mentioned by the respondents in the letter sent to the applicant was not exactly same which was supplied by him alongwith the application form. The non mentioning of name of Sri Surendra Nath Dwivedi may have lead to non service of the letter but there was additional means of communication of the date of viva-voce through the employment news. The applicant was expected to be vigilant about his career and future and he should have made effort to know the date of viva-voce. It is noticeable here that in the advertisement also in note appended to it, candidates were advised to read Employment News/Rojgar samachar. Thus, we find that there was some negligence on the part of the applicant also. With little effort he could have found

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that he has qualified the written examination. In any way it cannot be said that respondents acted negligently.

In the facts and circumstances of the case applicant is not entitled for any relief. The OA is dismissed. No order as to costs.


(C.S.CHADHA)
MEMBER(A)


(R.R.K. TRIVEDI)
VICE CHAIRMAN

Dated: 30.10.2001

Uv/