

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 ~~for~~<sup>panel</sup> 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 <sup>are</sup> ~~is~~ that an advertisement was issued by the respondents on 31.7.1993 inviting applications for appointment as Asstt. Teacher<sup>^</sup> 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

R—f



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/