

(Open Court) (24)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 21st day of November, 2000.

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.
Hon'ble Mr. Rafiq Uddin, Member- J.

OA No. 1310 of 2000

1. R.P. Bhagat s/o Sri B. Bhagat
2. R.B. Paswan s/o Sri C.P. Paswan
3. Virendra Kumar s/o Sri Pancham Prasad

R/o Manas Nagar Colony, Mughalsarai,
Distt. Chandauli.

..... Applicants

Counsel for the applicants :- Sri S.K. Dey

V E R S U S

1. Union of India through the General Manager
E. Rly. Calcutta- 1.
2. The Sr. D.P.O, E. Rly. Mughalsarai.
3. The D.P.O, E. Rly. Mughalsarai.
4. The Assistant Personnel Officer, E. Rly,
Mughalsarai, Distt. Chandauli.

..... Respondents.

Counsel for the respondents:-

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O R D E R (oral)

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been for setting-aside the impugned order dt. 28.02.2000 and 10.11.2000 and direction to the respondents to declare the result of written test dt. 11.02.2000.

2. By order dt. 28.02.2000 the written test which was held on 11.02.2000 for selection of O.S Gr. II in Personnel Branch in the scale of Rs. 5500-9000/- was cancelled due to procedural defects. By the order dt. 10.11.2000 the said examination is to be conducted on 23.11.2000. The learned counsel for the applicant has raised a number of contentions in connection with this cancellation. The first is that the examination can not be cancelled by the same authority since the examination was conducted under the orders of Sr. D.P.O, Mughalsarai. The cancellation of the same by the SR. D.P.O, Mughalsari is not in order. In support of this contention the learned counsel for the applicant draws our attention to para 219-K of I.R.E.M, Vol. I. This paragraph relates to the cancellation of the panel and provides that a panel once approved should normally not be cancelled or amended. The cancellation should be done after obtaining the approval of the authority next higher than the one that approved the panel. The case before us does not relate to the cancellation of the panel but to cancellation of examination before panel was formed. Hence this para is not applicable to the facts of this case.

3. The learned counsel for the applicants has placed reliance on the judgment of Division Bench of C.A.T, Calcutta between S.K. Nath & ors. Vs. U.O.I & ors.

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in O.A number 43/96 decided on 22.01.96. The facts of this case are also not applicable to the case before us because in the said case the result of the written examination was published by the respondents. In the said case the result of the written test was cancelled because of wrong evaluation of answer sheets and not for any fault of the examinees. In the case before us no results of written examination were published at all.

4. Learned counsel for the applicants has also drawn our attention to the representation of the applicants made to the D.R.M, E. Rly. Mughalsarai and received by him on 17.11.2000. The allegations made by the applicants in the said representation are that the examination held on 11.02.2000 was cancelled with a view to safeguard the interest of candidates who could not succeed. They also make prayer to postpone the date of fresh examination which are to be held on 23.11.2000 till representation by the respondents is decided.

5. Since certain issues have been raised in the representation which require ascertainment of facts by the respondents, it is considered necessary to direct the respondents to consider the representation of the applicants.

6. We however, do not consider the order of cancellation of the written test appropriate at this stage. The applicants should appear in this examination if they want to be promoted to the post of Office Superintendent Gr. II in case their representation fails. Respondents are directed to decide the

representation of the applicants within a period of six weeks provided that a copy of this order alongwith copy of representation is furnished to the respondents within a period of two weeks from the date of this order.

7. The respondents shall not declare the result of the written test till they have decided the representation within six weeks.

8. There will be no order as to costs.

Ranjanan

Member- J.



Member- A.

/Anand/