

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~

AHMEDABAD

O.A. No. Stamp No. 225
~~Tax No.~~

198 9

O.A. 318/90

DATE OF DECISION 17-7-1990Suresh Kumar A. Raval ~~Petitioner~~ ApplicantMr. B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India and 2 others Respondent 2Mr. B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member

The Hon'ble Mr. N.R. Chandran, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. Whether it needs to be circulated to other Benches of the Tribunal? *Yes*

Sureshkumar Anantraï Raval,
3, Swaminarayan's Blocks,
Vadipara, Parmar Road,
Surendranagar.

Applicant

(Advocate: Mr. B.B. Gogia)

versus

1. Union of India, through
Western Railway,
Churchgate,
Bombay.
2. Chairman,
Railway Recruitment Board,
Bombay Central.
3. Chairman,
Railway Recruitment Board,
Ahmedabad.

Respondents

(Advocate: Mr. B.R. Kyada)

J U D G M E N T

O.A. 225 of 1989

Per: Hon'ble Shri N.R. Chandran , Judicial Member

Heard the counsel for the applicant
and respondents. In view of the averments in
M.A.714 of 1989 in M.A.353 of 1989 for condo-
nation of delay, the Miscellaneous Application
is allowed. The Original Application is admit-
ted. The counsel for the respondents takes
notice. Inasmuch as the issue raised in

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the application is covered by an earlier decision of this Tribunal, we are taking up the main application (~~C.A.225/1989~~) for disposal.

The applicant herein appeared for the examination conducted by the Railway Recruitment Board, Bombay (2nd respondent) under Employment Notice No.2/1980-81 for non-technical popular categories under category No.25(A), (B), (C), (D), (E), (F) and (G) i.e. Probationary Assistant Station Master, Guard, Commercial Clerks, Telegraph Signallers, Ticket Collectors, Train Clerks and Office Clerks. The applicant was permitted to take the written examination and he was successful. Subsequently he was asked to appear in the interview conducted on 4-3-1982 and he had qualified in the above interview also. Thereafter, he was directed to appear for a Psychological Test for the category of Assistant Station Master on 26-4-1982 and the applicant appeared for the same. There had been an enormous delay in announcing the results and

he had come to know that other persons who had appeared for the examination had been offered appointment. Therefore, he has approached this Tribunal with a prayer to direct the respondents to communicate the result of the Psychological Test and if the applicant had not passed in the Test to qualify for the post of Assistant Station Master, to consider him for any of the other posts in terms of the Railway Board's letter No.E(NG)III 76/16 dated 10-11-1976.

Shri B.B. Gogia, the learned counsel for the applicant, brought to our notice the Orders of this Tribunal in OA 196/1986 and TA 1305/1986. We have perused the judgements in both the cases. In TA 1305/1986 this Tribunal held that even though the petitioners cannot create a right to selection or appointment by passing of tests, they are entitled to information regarding the marks secured by them. Therefore, in that case this Tribunal directed the respondents to announce the marks secured by the applicants. In the other case cited by the learned counsel for the applicant viz., OA 196/86,

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it was conceded by the Railways that there was a mistake which resulted in not appointing the applicant therein. Therefore, the Court recorded the statement and directed the department to appoint the applicant therein from the date on which a person who had secured a lesser mark than the applicant was appointed. We are of the view that the decision of this Tribunal in OA 196/1986 will not apply to the facts of the present case. In the said decision, the Court directed the respondents to appoint the applicant therein because the respondents conceded that because of some mistake the applicant was denied appointment. This is not the case here. However, the decision of this Tribunal in TA 1305/1986 would apply to the facts of this case. In that case it was held that a person who had taken the examination would be entitled to be informed of the result. T.A. 1305/1986 also related to the same examination held pursuant to Employment Notice No.2/1980-81 under which the applicant herein also took the

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examination. We therefore direct the respondents 2 and 3 to inform the applicant of the result of the examination held as per Employment Notice No.2/1980-81, including the marks secured by him. This direction should be complied with within a period of two months from the date of receipt of this order. In view of this we are not granting the other relief sought for by the applicant that he would be entitled to an alternative employment if he had not passed the Psychological Test. We also make it clear that it would be open to the applicant to take such other steps that are available to him under law, if after coming to know of the result and the marks obtained by him in the examination, certain rights flow to him.

The O.A. is allowed to the limited extent as above.

N.R. Chandran
(N.R. CHANDRAN)
JUDICIAL MEMBER

M. M. Singh
(M.M.SINGH)
ADMINISTRATIVE MEMBER.

Note:

OA to be numbered before despatch to parties.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

RA/M.A/O.A.T.A/ 714 198 92n 19A/353/89

Surash Kumar A. Raval 2n O.A. 225/89.

Applicant (s).

Mr. B. B. Gogia

Adv. for the
Petitioner (s).

Versus

Union of India & ors.

Respondent (s).

Mr. B. R. Kiyoda

Adv. for the
Respondent (s).

SR NO.	DATE.	ORDERS.
		Condonation of (copy is served) Delay.
		23/3/90 P/O
		5/3 Informed vide letter dt- 5/3/90 in Common case no 07/19/90
		5/3/90.
		17/7/90.
		10/7/90 P/O
		6/7 Common letter issued in case no MA/132/90 in dt- 11-10-1981/90
		6/7.
		RPA for

M.A./714/89
with
M.A./353/89
in
O.A./225/89

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CORAM : Hon'ble Mr. G.S. Nair .. Vice Chairman

Hon'ble Mr. M.M. Singh .. Administrative
Member

23.3.1990

Counsel of respondents prays for time
for filing reply. Accordingly, it is adjourned.

M. M. Singh

(M.M.Singh)
Administrative Member

G. S. Nair

(G.S.Nair)
Vice Chairman

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M. A. 714/89
in
M. A. 353/89
in
O. A. 225/89

Coram : Hon'ble Mr. M. M. Singh .. Administrative, Member
Hon'ble Mr. N. R. Chandran .. Judicial Member

10/7/1990

Heard counsel for the applicant and respondents.
order reserved.

NRC
(N. R. Chandran)
Judicial Member

M. M. Singh
(M. M. Singh)
Administrative Member