

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.24 of 1988

Date of decision : June 21,1990.

Bhaskar Chandra Jena ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr.M.M.Basu, Advocate.

For the respondents ... Mr.Ashok Mohanty,
Standing Counsel (Railways)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *ND*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N.SENGUPTA, MEMBER (J) In this application the relief that the applicant claims is to give effect to a panel prepared on the basis of the results of a trade test held on 9.9.1986.

2. The material facts, put in brief, are that the applicant was allowed to sit at a trade test held on 9.9.1986 for qualifying himself to hold the post of

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Grade III Telephone Mechanic. With the applicant some others also appeared at the said test, though results of some others who appeared at the examination have been published, that of the applicant has not been published and withheld. The applicant has averred that he possessed the required educational qualification to appear at the test and as such the results of the examination so far as his examination be published and he be empanelled for appointment as Grade III Telephone Mechanic.

3. The substance of the case of the Railway Administration is that no doubt the applicant appeared at the trade test but he had not the required eligibility and they have not disputed the fact of the applicant having the requisite educational qualification.

4. We have heard Mr. M. M. Basu, learned counsel for the applicant and Mr. Ashok Mohanty, learned Standing Counsel (Railways) for the respondents. It has been submitted by Mr. Ashok Mohanty that at the time the applicant applied to sit at the trade test, it could not be detected by the Department that even though he had the requisite educational qualification, he had not the other eligibility criteria. After the detection of this defect, results of the examination of the applicant were not published. The contention of Mr. Basu is that the applicant was asked to sit at the trade test as Annexure-1 would show. We need not enter into any discussion of limited factual controversy that has been

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raised by learned counsels for the parties as we feel that the proper order would be, in the circumstances of the case, that since the applicant admittedly appeared at the test, his results should be published and if he has really passed in the test, he should be given promotion when his turn comes without being required to appear again at the qualifying test for appointment/empanellment as Grade III Telephone Mechanic. We do order accordingly. Parties to bear their respective costs.

Dr. M. M. 24.6.90

 Vice-Chairman



Dr. M. M. 24.6.90

 Member (Judicial)