

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 337 of 1991

Date of Decision: 22.1.1993

Versus

Union of India & Others Respondents

For the applicant

M/s. Akhil Mohapatra
G.C.Patnaik
H.N.Mall,
Advocates

For the respondents

Mr. L. Mohapatra,
Standing Counsel
(Rly. Administration)

100

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. S. R. ADGIE, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section, 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to appear at the interview test on the basis of the result published in the year, 1986.

2. Shortly stated the case of the petitioner is that he was working as a Class-IV employee in South Eastern Railway Khurda Road as First Class Corridor Coach Attendant. A test was held to select the suitable persons for the post of Ticket Collector. The petitioner appeared in the written test. A viva voce test was to be conducted and according to the petitioner no notice was received by him. Hence he could not appear in the test. It is therefore prayed in this application that direction be given to the opposite parties to hold a viva voce test and allow the petitioner to appear in the test.

3. In their counter the opposite parties maintain that due notice was given on several occasions to the petitioner to appear at the viva voce test, but he refused to accept the notice and therefore it is too late in the day for the petitioner to seek such a direction from this Bench.

4. We have heard Mr. Akhil Mohapatra, learned counsel for the petitioner and Mr. L. Mohapatra, learned Standing Counsel appearing for the Railway Administration.

5. Mr. Mohapatra invited our attention to Annexure-R/1 dated 20.3.1989 in which due notice was given to the petitioner to attend viva voce test. Vide Annexure-R/2 dated 3.4.1989, the Chief Ticket Inspector, S.E. Railway, Khurda Road informed the concerned officer that the petitioner Shri Bhramarbar

Patra did not accept the memo to appear at the viva voce test stating that he is under suspension. Vide Annexure-3 dated 8.4.1989 another notice was sent to the petitioner to appear at the viva voce test on 11.4.1989. Vide Annexure-5 dated 10.4.1989 the Chief Ticket Inspector informed the concerned authority that the petitioner Shri Patra did not accept the notice. Something was repeated in Annexure-4 dated 14.4.1989. After all this, a representation was made by Shri Patra addressed to the Divisional Railway Manager, Khurda Road for permitting him to appear in a viva voce test and his request was refused vide Annexure-6.

6. After giving our anxious consideration/advanced at the Bar, we feel that there was no ground to give a false report by the Chief Ticket Inspector that the petitioner refused to accept the notice. No allegation of malafide or bias/against the Chief Ticket Inspector. Therefore, we do not feel inclined to accept the submission made on behalf of the petitioner that he had no notice regarding holding of viva voce test. We find no merit in this application which stands dismissed. No cost.

B.K. Sahoo 22/1/93
MEMBER (ADMINISTRATIVE)

B.K. Sahoo 22/1/93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 22.1.1993/ B.K. Sahoo

