

## NOTE OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Counter not  
served.

Registration

10/10

Order dt. 17.7.2000

Both the Counsel are  
present. LD Counsel  
for Resp. Prays time  
to file counter. Postponed  
to 7.8.2000 for the same.

17/7/2000  
REGISTRAR

Counter not  
served.

Registration  
4/8

dt. 7.8.2000

The respondent  
counsel pray  
for time to serve the  
copy of counter. Prayer  
allowed. Time granted  
till 14.8.2000 for the  
same.

17/8/2000  
S. J. S.

REGISTRAR

ORDER DT. 19.2.2001.

It is submitted by learned Standing counsel Mr. D.N. Mishra that Madam S.L. Patnaik is appearing for the Respondents. Accordingly, name of Mr. D.N. Mishra be deleted. Copy of counter served on the other side on 18.8.2000. Rejoinder not filed. Learned counsel for the petitioner is absent. Further time can not be allowed. Pleadings are taken to be complete. Adjourned to 22.3.2001, for hearing and final disposal at the stage of admission.

17/7/2000  
Vice-Chairman

Member (Judicial)

Order dated 22.3.2001

Learned counsel for the petitioner and Associates are absent. There has been no request made on their behalf seeking an adjournment. In this matter pleadings have been completed and in the absence of any request for adjournment, it is not possible to drag on the matter indefinitely. We, have therefore, heard Ms. S.L. Patnaik, learned Addl. Standing Counsel for Respondent No.1 and Shri D.N. Mishra, learned Standing Counsel appearing on behalf of Respondent No.2 and also perused the records.

In this O.A. the petitioner has prayed for a declaration that the process of selection in which the applicant participated and was not selected is illegal and void. He has also asked for a direction to Respondents to allow him to appear at a psychological test afresh and to face the viva voce test and thereafter to publish the merit list and in case the applicant comes out successful for being placed in the merit list, to give him appointment.

Respondent No.2 has filed counter opposing the prayer of the applicant. No counter has been filed on behalf of Respondent No.1.

For the purpose of considering this petition it is not necessary to go into too many

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>Counter not filed.</p> <p>Re: Registration No. 8</p> <p>Dt. 14.8.2000</p> <p>The Advocates were refrained from even work. No steps have been taken to serve copy of counter. Posted to 18.8.2000 for the same.</p> <p>17/8/2000</p> <p><b>REGISTRAR</b></p> <p>Counter not served.</p> <p>Re: Registration No. 8</p> <p>18-8-2000</p> <p>Copy of the Counter (Recruitment) on the applicant's behalf who has been given time to file rejoinder. Time given till 6-9-2000 for rejoinder if any.</p> <p>18/8/2000</p> <p><b>REGISTRAR</b></p> <p>Rejoinder not filed.</p> <p>Re: Registration No. 8</p> <p>J.W.M.</p>	<p>facts of this case. The admitted position is that the applicant belongs to Scheduled Caste category. He applied for the post of Assistant Train Driver in response to Employment Notice. He was called to the written test and after being successful in the written test he was called to appear at the psychological test, which is meant for adjudging the alertness of the candidates, being a necessary part of the selection procedure for safety category of posts, like Asst. Train Driver. The applicant has stated that accordingly, he appeared at the psychological test. He has also stated that in the psychological test many irregularities were noticed and the applicant mentioned this to the appropriate authority, but without any result. Ultimately the result of the written examination held on 4.9.1999 and the psychological test held from 7th to 18 and 22nd to 26th of September, 1999, was published, but the name of the applicant did not find place in that result list. He has further stated that even though he is fit for the post, intentionally he was not selected. It is stated that Respondent No. 3 neither supplied the marksheets nor published any merit list which violates the principles of natural justice. In the context of the above, applicant has come up with the prayers referred to earlier.</p> <p>From the above recital of pleadings of the applicant it is clear that all his grievance is with regard to conducting of the examination by the Recruitment Railway Board. Accordingly Railway Recruitment Board has filed counter. No relief has been claimed against General Manager, S.E. Railway (Respondent No. 1). Respondent No. 1 has admitted that the applicant was eligible for being considered for the post of Asst. Train Driver and that he was called to a written examination in which he qualified. It is also the admitted position that he was called to psychological test, in which he did appear. They have further stated that applicant could not come out successful in the psychological test and accordingly he was not called to viva voce test nor his name was put in the merit list.</p> <p>From the above pleadings of the parties it is clear that the sole question for consideration</p>

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Dt. 6.9.2000

The learned counsel for the applicant prayed for time to file rejoinder. Prayer allowed. Time granted till 15.9.2000 as last chance for rejoinder.


  
6.9.2000  
**REGISTRAR**

Rejoinder not filed.


  
14/9 Reinst.

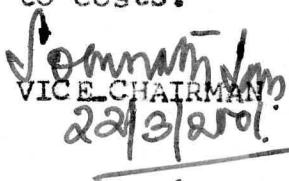
Dt. 15.9.2000

The learned applicant counsel prayed for time to file rejoinder. Sufficient time was given. Last chance is over.

Put up to Bench for further orders


  
15.9.2000  
**REGISTRAR**

MEMBER (JUDICIAL)


  
Somnath, VICE CHAIRMAN  
22/3/2001

Rejoinder not filed.  
Sah  
61/2 Bench