

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O.A.No. 494/2000

Laxmidhar Paikray & Ors. ... Applicants

-Vrs.-

Union of India & Ors. ... Respondents.

O.A.No. 637 of 2001

Pitabas Mohanty. ... Applicant.

-Vrs.-

Union of India & Ors. ... Respondents.

PRESENT: THE HON'BLE MR. B. N. SOM, VICE-CHAIRMAN  
THE HON'BLE MR. M. R. MOHANTY, MEMBER (JUDL.).

....

For the Applicant : M/s. P. K. Mohapatra, S. Mohanty, P. K. Rout,  
S. Samal, Advocates.

For the Respondents: M/s. Ashok Mohanty, S. Ray, A. A. Khan,  
Counsel.

....

Date of decision: 28th May/2004.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):-

Applicants (six in number in O.A.No. 494 of 2000 and one in O.A.No. 637 of 2001) having been unsuccessful in an Open competitive examination conducted (pursuant to Annexure-1 series) for the post of Prob. Asst. Station Master, have approached this Tribunal in the present Original Applications under section 19 of the Administrative Tribunals Act, 1985 with a prayer to call

J  
S

9  
//2//

for the records of the test from the custody of the Respondents and, after perusing the same (if the Applicants are found to be more suitable than other candidates) direct the Respondent No.1 to select them for being appointed to the post in question. In support of their prayers, in their Original Application, the Applicants have made several allegations and aspersions against the Respondents; which have been stoutly denied by the Respondents in their counter. In the counter it has been disclosed by the Respondents that the selection procedure prescribed for the post, in question, was written examination followed by Psychological test; that though the applicants were successful in the written test, they did not come out successful in all the papers in the Psychological test and that their names did not figure along with the 132 candidates for the post of Prob. Asst. Station Master.

2. Heard learned counsel for both sides and perused the materials placed on record. On the direction of this Tribunal, the Respondents have also produced the papers pertaining to the Psychological test of different candidates in sealed cover and, on perusal of the same, it was seen that the Applicants have not secured the prescribed qualifying marks in all the papers, as required, in the Psychological test. No candidates securing less percentage of marks than the Applicants in the Psychological test have also been selected/appointed.

10  
//3//

We also see that, though the Applicants have made certain allegations like show of favouritism to some of the blue eyed persons, no materials have been placed on record to substantiate these allegations. Law is well settled that it is easy to allege bias but difficult to prove. Apart from this in these Original Applications the Applicants have neither made the persons, against whom it has been alleged that sympathy to have shown by the Respondents, as parties; nor the selected persons have been made parties in these OAs. Therefore in absence of those necessary and proper parties no adverse orders can be passed against them.

3. In the above view of the matter, we find no merit in these Original Applications which are accordingly dismissed. No costs.

Sd/- B.N.SOM  
Vice-Chairman

Sd/- M.R. Mohanty  
Member (3) (STY)  
64