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O.A. No. 139 of 2008

Order dated: 14.03.2008

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

By filing M.A. 179/08, three individual intends to prosecute this case jointly. Having heard Mr. Achintya Das, Ld. Counsel appearing for the Applicants, the prayer to prosecute this case jointly is allowed.

2. M.A.179/08 is accordingly allowed.
3. Mr. Achintya Das, Ld. Counsel for the Applicant says that the written test in Khurda Road Division for selection of the departmental candidates to the post of Section Engineer (Electrical) was held on 14.10.2007. The Applicants sat for the written test and subsequently they found that question paper at Annexure-A/4 was not consistent with the guidelines issued by the Railway Board from time to time. He specifically cites that the Section A of the question paper pertaining to objective type should have been only 25% of the total marks were as it has been stated to be 50%. The Applicants have already submitted a representation to the Divisional Railway Manger under Annexure-A/5 on 10.03.2008 with copy to other authorities of the Railways and no reply has since been received.
4. Mr. S.K.Ojha, Ld. Standing Counsel for the Railways appears and says that the O.A. is premature and he also cites the order dated 14.03.2007 passed by the Hyderabad Bench of the Central Administrative Tribunal in

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almost on identical case. Since the representation is pending with the Divisional Railway Manager, he is directed to consider the representation taking into account the various points made in this Original Application as well as the findings of the Hon'ble Hyderabad Bench order dated 14.03.2007 in O.A.No. 164/07 and convey a reasoned order within a period of two months from the date of receipt of a copy of this order.

5. With the above observation, the O.A. is disposed of, at the admission stage itself. No order as to costs.

6. Send copies of this order, along with copies of the O.A., to the Respondents by Special Messenger (Counsel for the Applicant undertakes to pay the cost of the Special Messenger) and free copies of this order be handed over to the Ld. Counsel for both the sides.

7. Copy of this O.A. should also be treated as a part of representation.


Member (A)