

In The Central Administrative Tribunal
Calcutta Bench.

GA 373 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G. S. Maingi, Administrative Member

Goutam Ghosh Applicant

- VS -

- 1) Union of India, services through
Secretary, Ministry of Railways,
Railway Board, New Delhi-1.
- 2) Chairman, Railway Recruitment Board,
Mackinnon Mackenzie Building, 16,
Strand Road, 4th Floor, Calcutta-1.

..... Respondents

For the Applicant : Mr. B.C. Sinha, Advocate
Mr. P.K. Ghosh, Advocate

For the Respondents: Dr.(Mrs.) S. Sinha, Advocate

Heard on : 15-3-2000

Date of Order : 30/3/2000

ORDER

G. S. MAINGI, AM

This application has been filed Shri Goutam Ghosh, an unemployed youth against the letter No. RRB/CAL/NTPC-89 (II) dated 29-5-1990 issued by the issued by the Chairman, Railway Recruitment Board, Calcutta. It is the case of the applicant that a written test was conducted for recruitment to Non-Technical Popular Categories and on account of many irregularities involved in the said written test, the Recruitment Board decided to conduct a fresh written test for the second time so that proper selection and assessment can be done. The first written test was conducted on 12.11.1989 and since that was not taken into consideration by the Recruitment Board

3. The case was listed for hearing on 15-3-2000 when Ld. Advocate Mr. B.C. Sinha leading Ld. Advocate Mr. P.K. Ghosh appeared on behalf of the applicant and Ld. Advocate Dr. (Mrs) S. Sinha appeared on behalf of the respondents. Ld. Advocate for both the parties argued the case effectively. During the course of arguments

2. The respondents have filed reply to the U.A. In their reply they have stated as under :-
a) The Tribunal has no jurisdiction to entertain the instant application.
b) The application is barred by the law of limitation.
c) The application is vague, speculative, harassing and has been made with ulterior motive.
The other factual position has been brought out in explicit manner in reply to the U.A. submitted by the respondents.

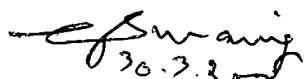
3. They again addressed a letter to the applicant on 11-5-1990 stating that the second written test would be conducted on 3-6-1990 and the interview thereafter would be conducted on 18.7.1990. Again vide letter dated 29-5-1990 (Annexure-A3 to the application) the applicant was notified that the interview were postponed until further notification as they have been restrained by this Tribunal vide order dated 28.5.90. The applicant submitted representation to the Chairman, Railway Recruitment Board, Calcutta as to why he is required to appear at the second written test and interview when he had done well in the first written test held on 12.11.1989. So, being aggrieved by and dissatisfied with the capricious decision of the Railway Recruitment Board, Calcutta, applicant approached this Tribunal for getting the following reliefs :

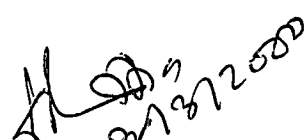
- i) To set aside and quash the letter dated 11.5.90 (Annexure-A1) and letter dated 29.5.1990 (Annexure-A-3).
- ii) To direct the respondents to conduct the interview on the basis of the written examination held on 12.11.1989 and publish the results forthwith.
- iii) To direct the respondents to grant relaxation of age.

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applicant was asked what for the relaxation of age had been claimed in the application and likewise Ld. Advocate for the respondents was asked why the Administrative Tribunal has no jurisdiction in the instant application and how the application is barred by law of limitation as stated by the respondents in their reply to the D.A. We find no plausible answer to the query made by the Bench. In the reply the respondents have stated in para 4 (sub-para k) that the zone of consideration for NTPC examination was restricted only to the top 562 candidates called on the basis of two-and-half times of the vacancy, since the petitioner Shri Gautam Ghosh is not amongst these 562 candidates. Therefore, he could not be included in the purview of consideration. However, no effect was given to the first written test. In para 5 of the reply the respondents have stated that the Railway Recruitment Board had decided to treat the Non-Technical Popular Categories (NTPC) Examination, 1989 as cancelled due to adoption of large scale mal-practices in its written examination.

4. We have considered the matter very carefully and we have pointed out that the respondents could not convince us about many things. The respondents could not assign any reasonable ground for non-announcement of result of the written test and non-cancellation of the written examination conducted in 1989 before us. However, we find that there is no ground for consideration for this application by this Tribunal. We, therefore, dismiss the application of the applicant as it is devoid of merit.


30.3.2000
(G. S. Meising)
Member (A)


31/3/2000
(D. Purkayastha)
Member (J)