

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 17.7.2000

O.A. No. 129/1995

Kundan Lal Arora S/O Shri Ishar Dass, aged 48 years,
Signal Inspector, Grade II, Hanumangarh Jn. (Presently
working at Bikaner) R/O 102, Prem Nagar Behind Payal
Cinema, Sri Ganganagar.

... Applicant

Vs

1. Union of India through General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Chief Signal and Tele-communication, Engineer, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Bikaner.
4. Divisional Personnel Officer, Northern Railway, Bikaner.
5. Divisional Signal and Tele-Communication Engineer, Bikaner Division, Bikaner.

... Respondents

Mr. Y.K. Sharma, Counsel for the Applicant.
Mr. R.K. Soni, Counsel for the Respondents.

COMRAM :

Hon'ble Mr. A.K. Misra, Judicial Member
Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Kundan Lal Arora, has prayed for a direction to the respondents to promote the applicant as Assistant Signal and Tele-Communication Engineer

Gopal Singh

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(16)

('ASTE' for short) by interpolating his name in the panel dated 23.8.1994, placed at Annexure A/5.

2. Applicant's case is that he ^{is} presently working as Signal Inspector Grade II, 1600-2660 and posted at Bikaner. The respondents had decided to hold a Limited Departmental Competitive Examination for promotion to group 'B' service as ASTE against 25% quota to form a panel for seven vacancies, wherein all Group 'C' Signal and Tele-Communication Supervisor (Technical and non-Ministerial) holding the post in grade, the minimum of which is Rs.1400/- per month or higher with five years fortuitous service in the grade 1400-2300 or higher as on 01.7.1992 were eligible for the said examination. The respondents had issued a letter dated 13.9.1993 (Annexure A/4) regarding the date of examination. It is contention of the applicant that this letter was never sent to him and, therefore he could not appear in the said examination held on 18.12.93. It is also contended by the applicant that he was not relieved by his Supervisory Officer for the said examination and, therefore, he lost the opportunity for being considered for the post of 'ASTE' though he was eligible. The applicant came to know of the said examination when the respondents declared the result vide letter dated 23.8.1994 vide Annexure A/5. Feeling aggrieved, the applicant has filed this application.

3. Notices were issued to the respondents, and they have filed their reply.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. In the counter, it has been stated by the respondent as under :

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" The Divisional Railway Manager, Northern Railway, Bikaner vide its letter dated 13.9.1993 intimated all the eligible candidates on his division including the applicant regarding holding of written test in headquarters office on 18.12.1993. The averments of the applicant that he was not informed about the date of holding of the written test is, therefore, not sustainable. It is further submitted that out of 18 candidates from Bikaner Division, 12 candidates were appeared in written test and it was well within the knowledge of the applicant that the written test is being held on 18.12.93 in headquarters office, Baroda House at New Delhi."

6. The above statement of the respondents does not establish that the applicant was informed of the ensuing examination. Further, even if it is accepted for argument sake that the applicant knew about the said examination, he was never relieved by his Superior Officer for the said examination. Thus, we are of the view that the applicant was never informed of the examination to be held on 18.12.1993 nor he was relieved for the said examination.

7. A similar case had come up before this Tribunal in O.A. No.75/91-Ram Singh Vs Union of India & Ors. decided on 07.4.1993, wherein the applicant had applied for the post of Inspector Post Office and he was also allotted Roll number, but he was ^{not} relieved to appear in the examination for the post of IPO. In that case, this Tribunal had allowed the application with a direction to the respondents to allow the applicant to appear in the Supplementary Examination, and in case the applicant qualifies in the examination, his name should be included in the panel at the appropriate place.

8. In the light of above discussion, we are of the view that the applicant should be allowed to sit in the examination and if he qualifies, his name should be interpolated

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in the panel dated 23.8.1994.

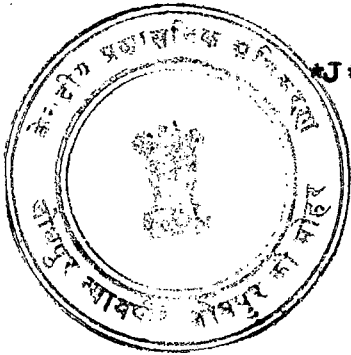
9. The Original Application is accordingly allowed with a direction to the respondents to conduct a supplementary examination for the applicant and if he qualifies, his name should be interpolated in the panel dated 23.8.1994 with all consequential benefits within a period of 03 months from the date of receipt of a copy of this order. No costs.

Gopal Singh

(GOPAL SINGH)
Adm. Member

A.K. Misra
17/7/2000

(A.K. MISRA)
Judl. Member



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2/27/24
C For Reclamation (and)
standing by ground

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2/27/24