

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 26.08.1998

O.A. No. 99/96

1. Shri Om Prakash son of Shri Sita Ram, aged about 41 years, resident of Sector No. 12, House No. 427, Hanumangarh Jn., Northern Railway, at present employed on the post of Goods Guard under S.S., Hanumangarh, Northern Railway.
2. Shri Ram Kishan Verma son of Shri Kashi Ram aged about 35 years, resident of Railway Colony, 136-C Double Storey, Hanumangarh, at present employed on the post of Goods Guard under the S.S., Hanumangarh, Northern Railway.

... Applicants.

v e r s u s

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
3. The Assistant Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
4. Shri Hari Singh Gunda, Sr. Goods Guard, in the office of the S.S., Hanumangarh Jn., Northern Railway.
5. Shri Tuli Ram, Sr. Goods Guard in the office of the S.S., Rewari, Northern Railway.
6. Shri Balbir Singh, Sr. Goods Guard in the office of the S.S., Rewari, Northern Railway.
7. Shri Surendra Kumar, Sr. Goods Guard in the office of the S.S., Sirsa Railway Station, Northern Railway.

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicants.

Mr. R.K. Soni, Counsel for the respondents Nos. 1 to 3.

None present for other respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

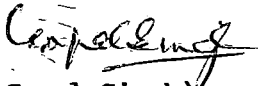
GK/krh

Applicants, Om Prakash and Ram Kishan Verma, have filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief :-

- "(i) That para 219(h) so far it provides securing of 60% marks in professional ability and not (ii) of para 219(g) to the extent of securing 60% marks in written test for adjudging the professional ability may be declared ultra-vires the rules, unconstitutional and the same may be struck down.
(ii) That the complete records of the selection proceedings may be summoned up and the respondents may be directed to allocate marks for the written tests and viva-voce according to the direction of Railway Board and consider the case of the applicant for empanelment to the post of Pass. Guard on the basis of the aggregate/overall merit obtained by the applicants and the impugned panel may be modified accordingly and the applicants be allowed all consequential benefits.
(iii) That the costs of this application may be awarded."

2. Heard the learned counsel for the parties.

3. During the course of arguments, the learned counsel for the applicants did not press this application on merits. The application is, therefore, dismissed with no order as to costs.


(Gopal Singh)
Adm. Member


(Gopal Krishna)
Vice Chairman

Cvr.