(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH,JODHPUR

.....

DATE OF ORDER : 17.03.1999

O.A.No. 58/1999.

Rajesh Kumar Dixit S/o Shri Banarsi Das aged about 36 years, working as Train Ticket Examiner, Northern Railway, Sarai Rohilla, Resident of 285, Rampura Basti, Bikaner.

..... Applicant.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Bikaner.

3. Divisional Personnel Officer, Northern Railway, Bikaner.

..... Respondents.

.....

CORAM

HONOURABLE MR. A.K.MISRA,JUDICIAL MEMBER

HONOURABLE MR. N.P.NAWANI, ADMINISTRATIVE MEMBER

.....

Mr. Y.K.Sharma ..... Counsel for Applicant.

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PER MR. A.K.MISRA :

The applicant has filed this O.A. with the prayer that the impugned order Annex.A/1 be quashed and the applicant be directed to be empanelled with all consequential benefits.

2. The impugned order has been challenged on the ground that it is a non speaking order. The result so communicated by the authorities has been challenged on the ground that weightage of seniority was not given to the applicant whereas persons junior to him were declared successful and empanelled.

3. The learned counsel for the applicant has argued that Annex.A/1 is required to be quashed being a non speaking order and applicant is required to be empanelled because he is entitled to the weightage of his seniority.

4. We have considered the arguments and the various contentions mentioned by the applicant. The result of the applicant has not been attacked on the point of any mala fide. The applicant was declared successful in written test and was also allowed to appear in viva voce, therefore, awarding of seniority marks to the applicant for such participation is of no consequence. The applicant has not come out successfully in the viva voce test as indicated in Annex.A/1. While communicating the result of an un-successful candidate, speaking order revealing the reasons of his remaining un-successful, is not required. If this is required to be done then probably every un-successful candidate would be claiming communication of all those reasons on which he remained un-successful. In our opinion, in such matters, this is not a correct approach.

5. The applicant has also challenged various aspects of the examination but in our opinion, the applicant having participated in the examination and the selection process without raising any such objection at the appropriate stage cannot now be allowed to raise such allegations for seeking quashing of the result. In our opinion, the applicant has not been able to make out a case which may prima facie establish that he was discriminated or was prejudicially affected because of some mala fide act of the respondents. In view of this, we do not see any reason to interfere in the matter. The O.A. is without any merit and is dismissed in limine.

(N.P.NAWANI)
Admv.Member

(A.K.MISRA)
Judl.Member

.....

MEHTA

R/Copy
25/3/99

Copy of order & extra sets R.1 to 3.
Reg. Ald. Vide No. 94
to 96 dt. 24/3/99

Part II and III destroyed in my presence on 30-6-06 under the supervision of section officer (1) as per order dated 16/15/06

Section officer (Record)

AD 1 & 13 attached in third set

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH

AT JODHPUR

ORIGINAL APPLICATION NO. 58/1999

D 105/99
23.2.99

APPLICANT		RESPONDENTS:
Rajesh Kumar Dixit	V/S	Union of India and others.

INDEX

S.No.	Particulars	Page No.
1.	Original Application	1 to 11
DOCUMENTS:		
Annx. A/1	Copy of order dated 4.6.97	12
Annx. A/2	Copy of letter dated 7-96/10.7.96	13 - 14
Annx. A/3	Copy of letter dated 4.2.1997	15 - 17
Annx. A/4	Copy of letter dated 10.4.97	18 - 19
Annx. A/5	Copy of appeal	20 - 22

Note:- one extra set and copy of will be filed as and when court is required

(Y.K. SHARMA)
COUNSEL FOR THE APPLICANT

Place: Jodhpur

Dated: 23/2/1999

जोधपुर न्यायपीठ/C.A.T.
आज दाखिल किया/Filed to day
23 FEB 105/99
दाखिल संख्या, Filing No.