

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.619/99

Friday, this the 4th day of June, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

N.S.Ajith Kumar,
S/o N.Sreedharan,
'Saras', Govindapuram Post,
Calicut-16.

- Applicant

By Advocate Mr Sivan Madathil

Vs

1. Union of India represented by
Secretary to Government,
Ministry of Railways,
New Delhi.

2. Chairman,
Railway Recruitment Board,
Divisional Office Compound,
Western Railway,
Mumbai Central - 400 008.

- Respondents

By Advocate Mrs Sumathi Dandapani

The application having been heard on 4.6.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Pursuant to a notification dated 15.3.97 appearing in the
Employment News notice No.1/97 issued by the Railway Recruitment
Board, Mumbai, the applicant submitted his application for the
post of Junior Stenographer(English) within time. The grievance
of the applicant is that though he was eligible and qualified to
take the examination, he did not get any call letter. However,
in the Employment News for periods 7-13/2.98 the date of the

examination was published as 15.2.98. But unfortunately it came to the notice of the applicant only on 12.2.98, the last date was stipulated in A-2 for persons who had not received call letter to approach the office of the 2nd respondent. However, on 12.2.98 the applicant made a representation to the second respondent stating that he had not received any call letter and could not appear in the office of the 2nd respondent on 12.2.98 as he came across the A-2 only on that date and seeking permission to allow him to participate in the examination whenever held. However, this examination was cancelled by A-6 notification in the Employment News dated 9-15.1.99. It was mentioned therein that the next date of examination would be published later. In the Employment News of 20-26.2.99 A-7, the date of the examination was shown as 14.3.99. The rescheduled examination was limited to those who had been called for the examination on 15.2.98. However, the applicant on 26.2.99 again represented to the Minister of Railways requesting for his intervention to enable him to appear in the examination. He also sent a letter on 2.3.99 to the 2nd respondent seeking permission to appear in the examination scheduled on 14.3.99. The applicant did not get any response to all this. The applicant has now filed this application for a direction to call for the records relating to A-7 and to stay further proceedings leading to the selection of category No.20 and Employment News Notice No.1/97 of Junior Stenographer(English) and for a direction to the respondents to permit applicant to participate in the written examination for the post as per A-1 notification.


2. I have carefully perused the application and the annexures thereto and heard at length Shri Sivan Madathil, learned counsel

appearing for the applicant and the learned counsel for the respondents. It is really unfortunate that the applicant did not receive a call letter in time. Had he received a call letter in time, he could have appeared for the examination held on 15.2.98 and also on 14.3.99. The reason for the applicant not receiving a call letter is not known. Whether it was sent by the 2nd respondent or not or whether it was lost in transit, one cannot say. However, when A-7 notification was issued on 26.2.99, wherein it was stated that the examination would be limited only to those who have appeared in the examination which was held on 15.2.98, the applicant could have challenged that, as he lost a chance to appear in the examination for reasons not directly attributed to him. If the applicant had challenged that order and sought a direction to the respondents to allow him to participate in the examination and had sought an interim relief of permission to participate in the examination provisionally before the matter is adjudicated, the applicant probably would have got an effective relief. The applicant did not do that. What he did was making a representation to the Minister and another one to the 2nd respondent. Even if the applicant was justified in making a representation to the Minister or to the 2nd respondent, if he had not received any response within a reasonable time well before the date on which the examination was held on 14.3.99, had the applicant approached the Tribunal, he would have probably got an effective relief. That has not been done. Thus it is seen that though the fact that the applicant could not participate in the examination is really unfortunate, the Tribunal is not in a position to entertain the application as no effective relief can now be granted to him. As is admitted in the application, the examination has already been held on 14.3.99. As several persons throughout the country would have appeared in the examination,

if the process of selection is now stayed, that is likely to jeopardise the chances of employment of thousands of persons similarly situated like the applicant. As the applicant himself has not been vigilant in prosecuting the remedies in time, he is not entitled to ask the Tribunal to stay or cancel the selection process.

3. In view of what is stated above, the application is dismissed in limine.

Dated, the 4th of June, 1999.



(A.V. HARIDASAN)
VICE CHAIRMAN

trs/7699

List of Annexures referred to in the Order:

1. A-1: Copy of the application dated 5.4.97 sent by the applicant to R-2.
2. A-2: Copy of the notice in Employment News dated 7-13.2.98.
3. A-6: Copy of the notice dated 9-15.a.99 in the Employment News.
4. A-7: Copy of the notice dated 20-26.2.99 in the Employment News.