

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 574/92

Lucknow this the 23rd of August, 1994.

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. K. MUTHU KUMAR, A.M.

Gopal Prasad Pandey son of A.P. Pandey, aged about 57 years, resident of village Pandey Pur, Bihar employed at Chief Booking Clerk Office, N. Railway Lucknow and others.

Applicants.

versus

1. Union of India through General Manager, Northern Railway Baroda House, New Delhi.
2. Divisional Personnel officer, Northern Railway, Hazratganj, Lucknow.

Respondents.

For Applicant Shri K.P. Srivastava, Advocate.

For Respondents Shri Siddharth Verma, Advocate

O R D E R

(HON. MR. JUSTICE B.C. SAKSENA, V.C.)

We have heard the learned counsel for the parties. Through this O.A. the applicants have challenged the written test for the post of BS/PS/CS in the grade of Rs 1600-2660(RPS) which was scheduled to be held on 31.10.92 and supplementary test on 17.11.92. The short ground in the petition is that the applicants, whose names were indicated in the list enclosed to the notice dated 16.10.92 (Annexure -1) did not have 15 days prior notice of the holding of the said selection. The learned counsel for the

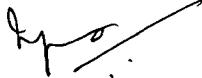
B.C.

applicant submitted that according to printed serial No. 1863 issued by the General Manager, Northern Railway, which is Annexure R-1 to the Rejoinder, there is ~~no~~ provision for providing 15days prior notice to the staff who is called to appear for written test and interview. In paragraph 4.7 , the applicants on the basis of notice (copy of which is Annexure-2) alleges that they received notice for appearing in the examination only on 3.11.92. Shri Siddharth Verma, the learned counsel for the respondents has rightly pointed out that Annexure -2 series in respect of each of the applicant is not notice for the written test. They are spare Memos by which the applicants were spared to appear at the test. The presumption of the applicants that Annexure -3 is a notice of the examination is clearly untenable. On the basis of material on record and on the basis of the averment made in the Counter Affidavit that there was wide publicity of notice dated 16.1.92 and the applicants were given more than 15 days' clear notice to appear at the written test, deserves to be accepted. The plea of the applicants is based on misconception of the nature of Annexure -2. Vide Interim order it was provided that the result of the examination which was held, will be declared subject to final order passed in the case.

2. Both the counsel are unable to indicate ^{update position by} the ~~post~~ and the result of the written test

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which was held. The applicants have sought a direction to be issued to the respondents to fix another date for examination to be conducted for the post of BS/PS/CS. Since the plea on the basis of which the said relief has been prayed has been found by us to be untenable hereinabove, we see no good ground for directing the opposite parties to hold the written test afresh. The written test already held be given effect to. The O.A. lacks merit and is accordingly dismissed.


ADMN. MEMBER


VICE CHAIRMAN

Lucknow: Dated 23.8.94