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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.No.40 of 1992.

Jhosi Swaroop Srivastava & anotherApplicants.

Versus

Union of India & othersRespondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.K.Ojaya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C)

The applicants, two in number, have approached this tribunal praying that a direction be issued to the respondents to declare the results of the applicants of the written test at once without any further delay and to permit them to appear in the inter-view and to give the appointments to the applicants, if they get success in the written test and interview.

2. The applicants applied for the post of DSL Fitter Grade 950-1500/ in the Northern Railway for which a written examination was held and call letters were issued for the same. According to them, they solved all the question papers given in the examination satisfactorily but their result is not being declared and it appears that some fraud has been played with them and their answer books have been changed.

3. The respondents in their reply have stated that the applicants were found using unfair means during the written examination held on 20.10.91 along with some other candidates and were caught and the respondents were well within their rights to withhold and /or to cancel the written examination results of the candidates who were found using unfair means during the said examination. As there were certain doubts as to whether the applicants were caught red-handed, we summoned the


record and from the record, it appears that the Northern Railway Union made a complaint that in the examination, unfairmeans were used by the candidates and one A.K.Dubey, a Guard, was instrumental in using unfairmeans and he collected eight lacs of rupees by making the candidates to use unfairmeans. A report of the Invigilator also states that said A.K.Dubey was moving in the Examination-Hall with pistol and even threatening the Assistant Personnel Officer.

Later on, it was suggested that a disciplinary enquiry may take place against him for minor punishment which, we are told, had taken place. The report also gives the roll numbers of the candidates who used the unfairmeans.

The respondents may hold an enquiry in respect of the candidates who used unfairmeans by giving them opportunity. Let an enquiry be concluded within a period of three months from the date of communication of this order. In case, it is found that they used unfairmeans, the respondents were well within their right to cancel the said examination but if the decision is in their favour, they should follow the decision in respect of other candidates also. In case, the respondents decide to declare the result of other candidates, let them do so or in case they cancel the entire examination for holding it again by the Railway Selection Board and if that body alone was competent at that stage to hold the selection, they can do so but the matter is not to be referred to the Railway Selection Board as it is matter which is not referable. As the examination had already taken place. With these observations, the application stands disposed of finally.

No order as to costs.


MEMBER (A.)


VICE CHAIRMAN.

DATED: SEPTEMBER 18, 1992

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