

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No.OA-512 of 1996

(Date of order 26. 8.1998)

Brameshwar, Son of Sri Shiva Shankar Prasad,
resident of Sitamarhi, P.S.Sitamarhi,
District Sitamarhi Applicant
By Advocate: Mr. D.K.Verma

Versus

1. Union of India through Chairman,
Railway Board, Rail Bhawan, New Delhi.
2. Chairman, Railway Board, Rail Bhawan, New Delhi
3. Chairman, Railway Recruitment Board, Ajmer,
2010 Nehru Marg, Ajmer.
4. Member Secretary, Railway Recruitment Board, Ajmer
2010, Nehru Marg, Ajmer.
5. Assistant Secretary, Railway Recruitment Board,
Ajmer, 2010 Nehru Marg, Ajmer

By Advocate: Mr. Gautam Bose. Respondents

Coram: Hon'ble Mr. Justice V.N.Mehrotra, V.C.

Hon'ble Mr. L.R.K.Prasad, Member (A)

O R D E R

Hon'ble Mr. Justice V.N.Mehrotra, Vice-Chairman :

This OA has been filed praying for the relief that the respondents Railway Recruitment Board, Ajmer be directed to hold interview of the applicant for appointment as Apprentice Chemical and Metallurgical Assistant and thereafter the final result be validly and legally published after assessing the merit of the applicant.

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2. The applicant asserts that in reply to advertisement published in Employment News on 4.11.1995 for appointment as Apprentice Chemical and Metallurgical Assistant, the applicant applied for the post. The applicant was called for written test which was held on 21.4.1996 at Ajmer. He successfully qualified and passed the written examination and thereafter a call letter was issued by the Chairman, Railway Recruitment Board, Ajmer on 25.4.1996 intimating the applicant for appearing in interview which was to be held on 10.5.1996. The applicant asserts that the call letter in question was received by him at Sitamarhi on 16.5.1996 i.e. after the lapse of the date of interview. It is asserted that the respondents were wholly responsible as for holding the interview, the date of the same ought to have been published in Employment News. It is claimed that the date was not published in Employment News and the delayed delivery of call letter to the applicant was due to the lapse on the part of the authorities. It is asserted that after receiving the call letter on 16.5.1996, he applied to various authorities but he has not been called for interview. It is also asserted that other Railway Recruitment Boards publish the date of interview in Employment News but it was not done by the Railway Recruitment Board, Ajmer. It is on these grounds that the present application has been filed.

3. Notices were issued to the respondents to show cause as to why the OA be not admitted for hearing. In response to the notice the respondents have filed their written statement in which they have alleged that the call letters for holding interview were sent to all the persons who were successful in the written examination by certificate of posting on 26.4.1996, as will be apparent from Annexure-R/1. It is further claimed that the call letters were sent to all the candidates well in time and in case the letter was received by the applicant after the date of interview, the respondents

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cannot be blamed in any way for that delay. It is further claimed that all other persons to whom call letters for interview were sent under certificate of posting appeared before the Board on the date fixed and there was no complaint by any other person regarding the delay in receiving the call letter. It is in the circumstances asserted that the applicant has not made out any case of negligence or discrimination against the respondents. It is further claimed that the notice regarding the successful candidates for appearing in the interview is not published by the Railway Recruitment Board, Ajmer in the Employment News.

4. The applicant has filed rejoinder raising the plea regarding arbitrariness or discrimination against the respondents. It is claimed that the respondents were responsible for not intimating the applicant in time and also for not publishing a notice in the Employment News.

5. We have heard the learned counsel for the parties at the admission stage. We propose to dispose of this OA at this stage itself. As will be apparent from the assertions made by the respondents and also from the document Annexure-R/1, the Railway Recruitment Board, Ajmer had sent call letters to all the candidates who had succeeded in the written examination by posting letters under certificate of posting. Annexure-R/1 indicates that these letters were sent on 26.4.1996. The date fixed for interview was 10.5.1996. So, it cannot be denied that the call letters were despatched from Ajmer well in time. The applicant asserts that he received the call letter on 16.5.1996. There is nothing to indicate that the respondents were in any way responsible for this delay. The respondents have mentioned that all the other candidates who were called for interview by sending call letters under Certificate of Posting had appeared on the date fixed and there was no complaint of delay by any other person. Considering these facts, the respondents cannot be

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held liable for any delay in postal transmission of the call letter.

6. The learned counsel for the applicant has argued that other Railway Recruitment Boards publish the result of written examination in Employment News and so the Railway Recruitment Board, Ajmer should also have published the same in the same newspaper. It may be ^{that} some other Railway Recruitment Boards publish result in the Employment News but the learned counsel for the applicant has not pointed to any rule or direction by the appropriate authority requiring the Railway Recruitment Board to publish result of written examination in the Employment News. So, merely because the Railway Recruitment Board, Ajmer did not publish the result of written examination in Employment News, it cannot be said that the action on its part was discriminatory or arbitrary.

7. The learned counsel for the respondents has also asserted that this Bench has no jurisdiction to consider this OA as no part of cause of action arose within the jurisdiction of this Bench. Considering the fact that we are dismissing this OA on merits, it is not necessary to enter into the question of jurisdiction.

8. In view of the above discussion, we are of the view that the applicant has not been able to make out any case for admitting this case. The OA in the circumstances is dismissed at the admission stage. No order as to costs.


(L.R.K. PRASAD)
MEMBER (A)


(V.N. MEHROTRA)
VICE-CHAIRMAN

26.8.1998