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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 959/92

Transfer Application No:

DATE OF DECISION 12.2.1993.

Shri Ambujakshan S.Kurup. Petitioner

Shri Shankaranarayanan.

Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri P.M.A.Nair.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri S.K.DHAON, VICE-CHAIRMAN,

The Hon'ble ~~Shri~~ Ms.USHA SAVARA, MEMBER(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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(S.K.DHAON)  
VICE-CHAIRMAN.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH,  
B O M B A Y

Original Application No. 959/92.

Shri Ambujakshan S. Kurup.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri S.K. Dhaon,  
Hon'ble Member(A), Ms. Usha Savara.

Appearances:-

Applicant by Shri Shankaranarayanan,  
Respondents by Shri P.M.A. Nair.

Oral Judgment:-

[Per Shri S.K. Dhaon, Vice-Chairman] Dated: 12.2.1993.

The averments in this application are these.

Pursuant to an advertisement issued by the Railway Service Commission which was published on 15th August, 1980 in "Times of India" and other National News papers the applicant submitted his application for being considered for the appointment to the post of Non-technical Category No.25 in the Western Railway and other Railways. He received an intimation calling him to appear for a written test on or about 21st June, 1981. He was allotted Roll No.256256 for the written test. He appeared for the written test under the said roll number. He was called for an interview by a call letter dt. 24.11.1981. At the time of calling for interview he was assigned roll number 635. He was interviewed on 10.12.1981. He learnt that the selection was under investigation and the entire papers relating to the selection and appointment were handed over to CBI/Vigilance Branch. By means of a publication dt. 29.6.1985 in the "Times of India" he learnt that the High Court of Bombay in one of the petition preferred by a few candidates who had appeared in the written test had directed the General Manager

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Western Railway to appoint the petitioners in the said writ petition. After the said publication in the news paper, the applicant made a representation to the office of the General Manager, Western Railway, requiring him to give an appointment to him ( a copy of such a representation has not been filed). Later on, he learnt that the aforesaid writ petition had been transferred to this Tribunal and on 14th February, 1991, this Tribunal directed the Railway Recruitment Board to review the cases of the 23 applicants before it and appoint them if they had passed in the written test. Immediately after he acquired knowledge of the said direction of the Tribunal, he on 1st October, 1991 sent a letter to the Chairman of the Railway Recruitment Board requesting him to consider his case as he had passed in the written test and also was called for an interview on 10.12.1981 and give him an appointment thereafter, in accordance with the direction given by this Tribunal on 14.2.1991.

2. In the reply filed on behalf of the respondent No.2 the material averments are these. The applicant qualified in the final selection of Category No.25. A recommendation was made to the Chief Personnel Officer, Western Railway, Churchgate to appoint him as a Ticket Collector under letter No.RRB/R/W/Cat.25 dated 4.3.1987 along with the panel of 164 selected candidates. The applicant's name appeared at Sl.No.80 of the panel. Individual intimations regarding the selection had also been sent to all the selected candidates on 10.3.1987 under letter No.RRB/R/Adv. dated 9.3.1987. The application is barred by time.

3. On 8.1.1993 the matter came before a Bench of this Tribunal. On that day Shri P.M.A.Nair, the learned counsel for the respondents was directed to produce evidence on 15.1.1993 to show that the result concerning the applicant had already been published in 1987 itself.

3. The learned counsel for the respondents has brought to our notice a photo stat copy of the publication dt. 20th December, 1987 published in the Indian Express, New Delhi. A perusal of the same indicates that a public notice had been given to the effect that as a result of the written test held on various dates and interview held the list of candidates declared successful were being published. We find that the applicant's Roll No.635/256250 is mentioned in the notification.

4. Reliance is placed by the learned counsel for the applicant upon a recital in the said notification that:

"..... candidates will receive intimation individually about their selection. If they do not receive the intimation within 30 days of the publication they should write to the undersigned with full particulars."

We may note here that in the application there is no whisper of the aforesaid notification dated 20.12.1986 in the Indian Express. Naturally there is not even a whisper that the applicant made any attempt to contact the respondents when he failed to get intimation within the period specified in the notification. It appears to us that the applicant was not vigilant enough to acquire knowledge of the publication through the press. None the less, the fact of the matter is that the applicant had been duly selected and he could have been given appointment some time in January, 1987. He, however, slept over his rights and woke up probably when he learnt of the proceedings taken by some other candidates in the High Court of Bombay and thereafter, he approached this Tribunal.

5. The counsel for the applicant relies upon direction No.2 given by this Tribunal in the 23 Transferred Applications which had been received from the High Court of Bombay which had been preferred by some candidates, but

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not the applicant. We have perused the order of this Tribunal and appears that the grievance made by the 23 applicants was that the selection itself was not fair and therefore, they sought the necessary directions. In that background, we may now read the direction No.2, which runs:

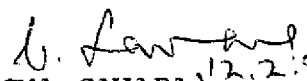
"The respondents shall further find out as to how many candidates, who appeared in the said examination, have been selected finally and given appointment."

This direction cannot be of any use to the applicant. We have already held that the applicant had appeared in the examination, he had been selected finally, but he failed to take the appointment on account of his own fault.

6. The application is patently barred by time.

We are not in a position to give any relief to the applicant.

7. The application is dismissed, but with no order as to costs.

  
(USHA SAVARA) 12.2.93.  
MEMBER (A)

  
(S.K. DHAON)  
VICE-CHAIRMAN.

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