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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: HYDERABAD

D.A. NO.

849/R9

T.A. NO.

DATE OF DECISION

27/10/88

Petitioner

Advocate for the
Petitioner (s)

Versus.

Respondent

Advocate for the
Respondent (s)

CORAM

The Hon'ble Mr. D. Sevya Rao, Member (J)

The Hon'ble Mr. V. Venkateswaran, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. whether their Lordship, wish to see the fair copy of the Judgment?
4. whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on columns 1, 2, 4, (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

No.

(D.R.)

(V.S.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 849/89

Date of the order: 27-10-1989.

Between:

1. V.G.Deshpande
2. B.Veeraiah
3. K.Manikyala Rao
4. P.Padmanabha Rao
5. G.D.Ratna Parkhe
6. S.Khajavali
7. N.Mokshananda Rao

... Applicants

Versus

1. The Chief Engineer (Open Line),
S.C.Railways, Secunderabad.
2. The Chief Admn. Officer (Construction),
DRM's compound, SC Rly.1 Sec'bad.
3. The Chief Personnel Officer,
SC Rly., Sec'bad.

... Respondents

Appearance:

For the applicants : Mr.V.Krishna Rao, Advocate

For the Respondents : Mr.P.Venkatarama Reddy, SC for Rlys.

CORAM:

The Hon'ble Mr.D.Surya Rao, Member (Judicial)

The Hon'ble Ms. Usha Savara, Member (Admn.)

(Judgment of the Bench delivered by Hon'ble Mr.D.Surya Rao,
Member (Judicial).

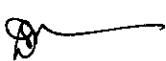
The applicants herein are all regular Head Clerks officiating as Chief Clerks in the Headquarters Engineering Department of South Central Railway, Secunderabad Division. It is alleged that on 19-4-1989, the third Respondent has called for selections to fill up 13 posts of Chief Clerks. All the adhoc promotees as Chief Clerks and Head Clerks eligible, were given notice of the selection with a syllabus for the written test. The written test was held on 10-6-89 and 9-9-89. The applicants state that the results of the

written test were published. It is seen from that, that the applicants have not passed. Earlier on 15-11-88, the Chief Personnel Officer had given notice of the Chief Clerks' examination to be held on 11-2-89. Since many paras in the syllabus given, were not in accordance with the rules, the South Central Railway Employees' Sangh on 22-2-89 submitted a representation giving reference to the earlier representation dated 12-6-86 of the Sangh, requesting the Chief Personnel Officer to modify the syllabus in terms of the representation dated 12-6-86, for the ensuing Chief Clerks' examination. Despite this, the written test was held on 10-6-89 and 9-9-89. It was further alleged that in the written test held on 10-6-89, the question paper was leaked out to some candidates and the applicants and others protested to the Invigilator who directed them to lodge their protest which they did so on 12-6-89. Thereafter, when the alert notice for viva-voce ^{was issued} on 18-10-89, the applicants made another representation. It is alleged that the Sangh, once again on 3-7-89, addressed letter to the Respondents giving reference to the alleged leakage of question paper and holding of the test beyond the purview of the syllabus. Inspite of these representations, no action was taken. The applicants, therefore, filed the present Application to quash the third Respondent's letter dated 19-4-89 and 18-10-89 calling for the applications for selection as Chief Clerks and proposing to hold viva-voce test for those who had passed the written test.

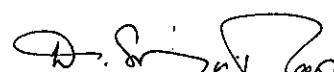
2. Heard the learned counsel for the Applicant Mr. V. Krishna Rao and Mr. P. Venkatarama Reddy, the learned standing counsel for the Railways, on behalf of the Respondents at the admission stage. Two contentions were raised by Sri Krishna Rao, namely, that the syllabus prescribed is not in accordance with the rules and secondly that there were irregularities in the conduct of the examination

(A)

in that the question paper was leaked out. Both these allegations are subject matter of the representations made. ~~by~~ The applicants on 12-6-89 represented that there was a leakage of the question paper. The Employees Sangh had, on 22-2-89 represented that the syllabus should be revised in terms of the earlier representation of the Sangh, dated 12-6-86 which was followed up by another letter dated 5-6-89 and 3-7-89 by the Sangh in regard to the modification of the syllabus and the leakage of the question paper to one section of the staff. None of these representations are disposed of. However, six months period from the date of the representation is not yet elapsed. Normally, such a period should lapse under section 21 of the Administrative Tribunals Act 1985 before an applicant makes an application before this Tribunal. The learned counsel for the applicant, however, contended that grave injustice would be caused if the results of the viva-voce are declared and the representations of the applicants are not disposed of. Hence he was compelled to file the Application even before the expiry of the six months period. Having heard the learned counsel for the applicant and the Respondents, we are of the opinion that this Application may be disposed of with a direction to the Respondents to dispose of the representation dated 12-6-89 made by the applicants regarding leakage of question paper and the representations made through the Employees' Sangh on 5-6-89 and 3-7-89 in regard to the conduct of the examination on the basis of a wrong syllabus. These representations should be disposed of within 15 days from the date of receipt of this order. In the meanwhile, it is open to the Respondents to go ahead with the viva-voce examination but the final panel shall not be announced till the disposal of the representations relating to the irregularities in the



conduct of the examination and the complaint regarding modification of the syllabus. With these directions the main application is disposed of. In the circumstances there will be no order as to costs.



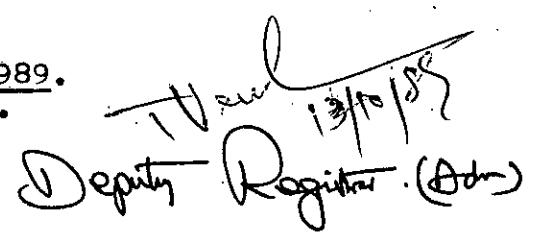
(D. Surya Rao)
Member (J)



(Ms. Usha Savara)
Member (A)

Dated: 27th October, 1989.
Dictated in open court.

mhb/


Deputy Registrar (Adm)