

(44)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.P.47/91
in
O.A.212/91.

Date of Order: 18/5 Sept 1991.

1. Kammela Satyanarayana	15.P.Vijaya Bhaskar
2. S.Ramakrishna	16.Yesupadam. V
3. Thomas Abdaham	17.T.Venkateswara Rao
4. V.P.Johny	18.G.Sudarshan Kumar
5. S.K.Ameer John	19.K.Srinivas
6. S.A.K.Jeeelani	20.K.Punnaiah
7. D.Nagi Reddy	21.Bandi Chiranjeeva Rao
8. J.Devacomerian	22.K.Srinivasa Rao
9. K.N.S.Satyanarayana	23.A.Nageswara Rao
10.P.Krishna Murthy	24.P.Ananda Paul
11.G.Krishna Mohan	
12.Patan Khader Vali	
13.K.Srinivasa Kumar	
14.N.Rama Murthy	...Applicants/Applicants

Vs.

1. The Chief Engineer (Electrical),
South Central Railway, Secunderabad.
2. The Divisional Railway Manager,
SC Railway, Vijayawada.
3. The Senior Divisional Electrical
Engineer (Maintenance),
SC Railway, Vijayawada.
4. The Sr.Divisional Personnel Officer,
SC Railway, Vijayawada.

...Respondents/Respondents

Counsel for the Applicants : Shri P.Krishna Reddy

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys.

CORAM:

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

(Order of the Division Bench delivered by
Hon'ble Shri J.N.Murthy, Member (J)).

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This Review Petition is filed by the petitioners aggrieved by the Judgment dated 30-4-91 passed in OA 212/91. The main contentions in the review petition is that the respondents set aside the results without giving opportunity to the applicants. In fact no malpractices have taken place.

It is also contended that the Respondents ~~not~~ even issued notice to the applicants before setting aside the list of candidates passed in the written test and it violates the principles of natural justice. It is further contended that the contents of para-7 of the judgment of this Tribunal is neither borne out from the counter filed on behalf of the administration nor the same was contended before the Tribunal. The applicants ~~re-~~ re-iterated the contentions that are raised and argued in the Original Application.

2. The examination was conducted and after the correction of the papers there was an allegation that the papers were leaked out to a certain section of the people and so the examinations have to be set aside and the Respondents made thorough investigation. The Respondents also tested some persons who have passed the examination. But the persons who passed the examination earlier could not pass the same examination second time. Hence the respondents have cancelled the entire set of the examinations. This court after perusing the

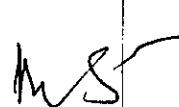
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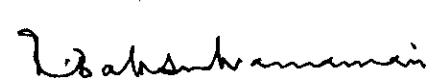
1. The Chief Engineer (Electrical),
South Central Railway,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada.
3. The Senior Divisional Electrical Engineer (Maintenance),
South Central Railway,
Vijayawada.
4. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada.
5. One copy to Shri. P.Krishna Reddy, Advocate ,H.No.3-5-899,
Hymatnagar, Hyderabad.
6. One copy to Shri. N.V. Ramana, S.C. for Railways, CAT Hydbad.
7. One copy to Shri J.Narasimha Murthy, Member(Judl) CAT, Hydbad.
8. One spare copy.

RSM/-

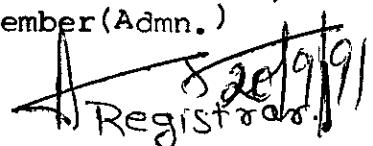
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Babu
Andhra
Pradesh

records of the Vigilance Department, mentioned the facts, which are not borne by the petition nor by the counter. So the department came to a conclusion that the malpractices was taken place. Hence they have cancelled the examination. The contention of the applicants that the Respondents ought issued to have / a notice to the persons who have appeared for the examination in regard to the cancellation is an ~~useless~~ ^{absurd} proposition. How the respondents will serve notices on all the persons who appeared for the examination. There is no need also to serve such notices when the respondents have come to the conclusion that the malpractices were taken place in the examination. Some people may succeed in the examination some people may fail in the examination. The persons who are connected with the malpractice generally pass the examination. There is no need to give any notice to those persons who have appeared in the examination, before cancellation of the examination. It is for the department to take a decision to cancel the examination and conduct re-examination. The Review Petitioners did not raise any new points in this review petition and the points already agitated in the O.A., were again reiterated in this Review Petition. So, there are no grounds to review our orders dated 30.4.1991 in O.A.No.212/1991 and the review petition is accordingly dismissed without costs.


(J. NARASIMHA MURTHY)
Member (Judl.)


(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 18th September, 1991.


8/26/91
Registrar

R.M
R.P. No. 47/91
G/9(a) in
O.A. No. 212/91

TYPED BY (W)
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY: M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 18/9/91

-1991

ORDER JUDGMENT

M.A./R.P./C.A. No. 47/91

in

O.A. No. 212/91

T.A. No.

(W.P. No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

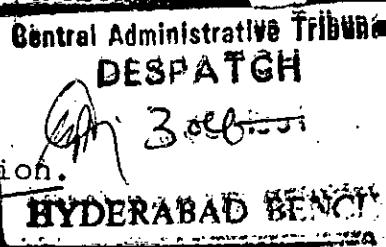
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



19/9/91
30/9/91