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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 296/95

DATE OF ORDER : 09-01-1988.

Between :-

1. B.Narasimha Chary	4. S.R.Venkateswar Rao
2. G.Manoharan	5. M.Dyrnaiah
3. M.Venkateswara Rao	

... Applicants

And

1. General Manager, SC Rlys, Rail Nilayam Sec'bad.
2. Divisional Railway Manager (P), Sec'bad Division (BG), SC Rlys, Sec'bad.
3. Sr.Divisional Mechanical Engineer (Diesel), SC Rlys, Kazipet.
4. Sri.B.Eswaraiah
5. Sri S.Venkatachallam
6. S.Venkat Rao

... Respondents

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Counsel for the Applicants : Shri N.Krishna Rao

Counsel for the Respondents : Shri J.R.Gopal Rao, SC for Rlys

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CORAM:

THE HON'BLE SHIR R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHIR R.S. PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

*for*

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... 2.

(Order per Hon'ble Shri R.Rangarajan, Member(A) )

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None for the applicant. Sri J.R.Gopal Rao, Standing Counsel for the respondents. None for private respondents also even though notices were served on them.

2. As the O.A. was filed in the year 1995, we are of the opinion that it is not necessary to adjourn this O.A. as facts are clear in the affidavit as well as in the reply. Hence the O.A. is disposed of in accordance with the Rule-15 of, <sup>the</sup> CAT(Procedure) Rules, 1987.

3. There are five applicants in this O.A. They appeared for the post of Chargeman-B in response to the notification of Respondent No.2- No.CP/535/CM(B)/Mech..App.Mech. dated:24-6-94 (page 11 to the OA). The notification was issued to fill up 3 vacancies. Out of which 2 vacancies are meant for OC category and 1 vacancy is meant for SC category. The posts are in the scale of pay of Rs.1400-2300 and are to be filled against 25% quota by Limited Departmental Competitive Examination by serving Artisans. The Syllabus is given in para-6 of the notification ibid.

4. The applicants submit that they have appeared for the examination. But the questions asked for in the examination are not <sup>printed</sup> referred in the Syllabus and also the objective type questions were limited to only 20% of total marks. It is further submitted that in the previous examination the objective type questions were limited to 40 to 50% of total marks. On the above grounds the applicants requested for cancellation of the examination held on 21-10-1994 and <sup>to</sup> conduct re-examination. On the basis of the examination held on 21-10-1994, respondents 4 to 6 were selected.

5. This O.A. is filed for declaring that the written examination held on 21-10-1994 to fill up 3 vacancies (OC-2, SC-1) of Chargeman 'B'

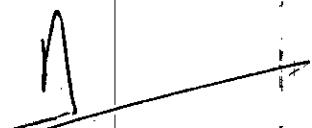
*for*

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Mech., in scale of Rs.1400-2300 (RSRP) reserved for departmental quota against 25% Limited Departmental Competitive Examination from serving Artisans is illegal and opposed to Law and also may be pleased to set aside the Order No.CP/535/Dsl./CM 'B' Mech./Rankers, dated: 1-2-1995 declaring respondents 4 to 6 has qualified for viva-voce and direct the respondents 1 to 3 to hold Fresh examination according to Syllabus published by the 2nd respondent in his letter No.CP/535/CM(B)/  
dents 1 to 3 to send the Answer Scripts of all the candidates for revaluation.

6. A reply has been filed in this case. The conduct of the examination for Chargemen 'B' against 25% Departmental Quota has been admitted and it is also admitted that Respondents 4 to 6 were called for viva-voce. The respondents submit that the applicants are working in Diesel Maintenance side and the work in the Diesel Maintenance side is similar to that of workshop. The Syllabus in para-6 in the notification is in accordance with the requirement to be met by the applicants. Hence there is nothing improper in the Syllabus. The questions asked were from the Syllabus. The objective type questions to be asked is limited to 25% as there is no strict rule that it should be to the extent of 40 to 50% of the total marks. The idea of asking the objective questions is to test the knowledge of the employees who are writing the examination. The applicants without any murmur appeared for the examination and they have not complained against that examination immediately after the written examination was over. They have approached the Tribunal without exhausting the normal grievance redressal channel available to them immediately after the examination was over. To ensure that the examination had been conducted without any arbitrariness, a vigilence enquiry was also conducted and that enquiry found no irregularity in conducting the examination. In view of the above, the respondents submit that the applicants had not made out any case for allowing this application.

J.6



7. We have gone through the affidavit as well as the reply. The Syllabus for this examination has been clearly indicated in para-6 of the notification dated 24-6-1994. If the applicants have any hesitation to adhere to the syllabus, they should have protested to that syllabus immediately after the notification was issued. Further it appears from the O.A. affidavit that they have no grouse about that syllabus. The applicants are working in Diesel Maintenance Shed. A perusal of the Syllabus shows that the Syllabus prescribed there, more or less adheres to the nature of the duties to be performed by the applicants in Diesel Shed. We also agree with the respondents that the nature of duties involved in Diesel Maintenance Shed is similar to workshop duties. Even though that Shed is not termed as workshop, the work to be performed in that Shed is akin to the workshop duties. Hence the syllabus prescribed cannot be termed as one which is different, to the nature of the duties to be performed by the applicants on selection.

8. In regard to the marks to be allotted to objective type paper, no statutory rule has been placed before us to show that the objective type questions should be to the extent of 40 to 50% of the total marks. If the respondents had given the objective type questions only to the extent of 20% of the marks, it cannot be held as arbitrary.

left the examination hall if the questions asked <sup>were</sup> not in the syllabus. They have not preferred even a representation addressed to the respondents in this connection in the O.A. The filing of this O.A. is an after thought when they found their names were not in the list of the candidates to be called for viva-voce. It is to be held that the applicants attended <sup>were</sup> written examination without any hesitation and objected the examination papers only when they failed in the written test. Under such a situation the applicants cannot question the validity of the examination. This view is in accordance with the

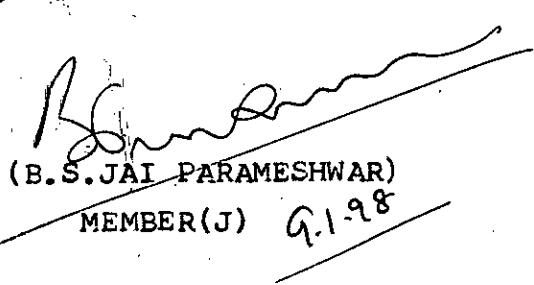
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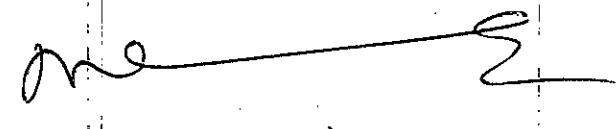
Apex Court Judgement in ~~Madanlal~~ & Others Vs State of Jammu & Kashmir, reported in 1995(2) SLR 209.

10. We also find that the vigilance enquiry has been conducted in connection with this selection. The vigilance enquiry does not find any irregularity in conducting the examination.

11. In view of what is stated above, we find no merit in this case. Hence the O.A. is dismissed. No costs.

  
(B.S.JAI PARAMESHWAR)

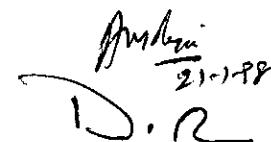
MEMBER(J) Q.1.98

  
(R.RANGARAJAN)

MEMBER(A)

Dated: 9th January, 1998

Dictated in Open Court

  
D.R.

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- 6 -

OA. 296/95

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager (P), Secunderabad Division (BG), South Central Railway, Secunderabad.
3. The Senior Divisional Mechanical Engineer (Diesel), South Central Railway, Kazipet.
4. One copy to Mr. N.Krishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. J.R.Gopal Rao, SC for Rlys, CAT., Hyd.
6. One copy to BR(A), CAT., Hyd.
7. One duplicate.

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TYPED BY  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. DAI PARAMESHWAR :  
M(J)

DATED: 9/1/98

ORDER/JUDGMENT

M. A. / R. A. / C. A. / N.D.

in

D.A. NO. 296 / 95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

