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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 432/95.

Dt. of Decision : 18-11-97.

N. Kishen Rao

.. Applicant.

Vs

1. The Union of India rep. by the General Manager, SC Rly, Rail Nilayam, Sec'bad.
2. The Chief Personnel Officer, SC Rly, Rail Nilayam, Sec'bad.
3. The Chief Works Manager, Signal & Telecommunication Workshop, SC Rly, Mettuguda, Secunderabad.

.. Respondents.

Counsel for the applicant : Mr.G.Ramachandra Rao

Counsel for the respondents : Mr.C.V.Malla Reddy, SC for Rlys.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.G.Ramachandra Rao, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned counsel for the respondents.

2. The applicant is working as Head Clerk in Signal and Telecommunications Workshop, SC Railway, Secunderabad. He submits that he is a senior most Head Clerk in the aforesaid department working as such from February, 1989. His next promotion is to the post of Office Superintendent Gr-II in the scale of pay of Rs.1600-2660/-.. This is a selection post comprising of written test as well as viva-vece test. The applicant though appeared for the selection was not empanelled for the post of Office Superintendent Gr-II.

3. Hence he has filed this OA to declare the proceedings initiated vide No.80273/XII/Estt. dt. 4-3-94 as illegal and invalid and for a consequential direction to hold fresh selection or in the alternative declare the applicant had passed in the written test held on 10-7-94 and 30-7-94 for promotion to the post of Office Superintendent Gr-II in the S&T Workshop.

4. Notice before admission was ordered on 3-4-95 wherein R-3 was directed to produce the answer script of the applicant in regard to the written examination conducted in July, 1994 for consideration for selection to the post of Office Superintendent Gr-II from the post of Head Clerk. The above answer script of the applicant was produced on 18-4-95 and was perused by the Bench. It is observed after the perusal of the record that the "totalling is correctly done. Marks were awarded for all the questions which the applicant attempted".

5. The contention of the applicant for allowing the application are discussed as below:-

The notification dt. 4-3-94 was issued for filling up 5 posts of Office Superintendent Gr-II in the S&T Workshop, Mettuguda

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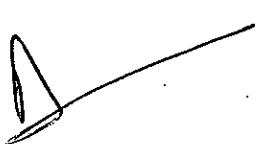
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calling 17 candidates for selection including the applicant. He is first in the seniority of those who ~~are~~ appeared for the examination. He did his written examination well as stated by him and hence he should have been empanelled after subjecting him to the viva-voce. As he was not empanelled he submits that his answer scripts were not correctly valued and there were errors in the calculations of the marks awarded to him in the selection held on 10-07-94.

6. To check the veracity of this contention only the interim order as extracted above was given. The Bench perused the answer scripts of the applicant and came to the conclusion that there was no error in correcting the answer scripts of the applicant and the remarks of the Bench has been extracted above. Hence this contention cannot be up-held.

7. The second contention of the applicant is that there were some irregularities and malpractices in the written test held on 10-7-94 and 30-7-94 and on that basis he contends that the examination has to be cancelled.

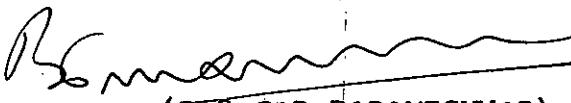
8. In the reply it is stated that the applicant has submitted a representation on 3-8-94 alleging irregularities and malpractices in the written test held on 10-7-94 and 30-7-94. The respondents further submit that the applicant has not brought out any irregularities or malpractices to the invigilators who had supervised the examination on the date when he wrote the examination. It is further averred that his representation dt. 3-8-94 is a belated one. It is also seen from the reply that the Vigilance department had enquired into the matter and found that the representation ^{was} ~~is~~ frivolous and ^{was} ~~is~~ not based on facts. In view of the above submission and the Vigilance department has gone in to the details of the complaints, we cannot say that the complaints ~~has~~ any merit to allow this application. Hence we have to reject this contention also as the respondent authorities had taken sufficient action to examine this contention by holding an enquiry through the Vigilance department. Hence this contention also fails.



9. The applicant submits that the revised notification was issued on 4-3-95 revising the list of qualified candidates for viva-voce by adding one more employee at Sl.No.3 by correcting the ~~.....~~ he contends that this itself proves his contention that irregularities were committed in conducting ~~xx~~ the examination. The applicant himself states that he is the senior most among those who called for the examination. The said candidates included at Sl.No.3 would not have affected his prospects of empanelment if he had passed the written test and viva-voce. Even if one of the candidates was introduced of Sl.No.3, it ^{was} is not going to affect the chance of the applicant to get empanelled if he had passed the examination. The very fact that he did not pass the examination he was not empanelled. Even otherwise it is seen that from the reply that the candidate introduced at Sl.No.3 was not included in the selected list. Hence even if there were irregularities in allowing the candidate at Sl.No.3 to participate in viva-voce, it no way affected the proceedings of the selection. Hence we do not find any material substance to accept this allegation also for allowing this application.

10. No other contention was raised by the applicant.

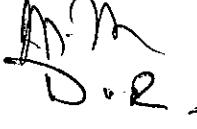
11. In view of ~~xx~~ what is stated above, we find no merits in this CA. Hence the OA is dismissed. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

18.11.97

Dated : The 18th Nov. 1997.
(Dictated in the Open Court)


(R. RANGARAJAN)
MEMBER(ADMN.)


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TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

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

Dated: 18/11/97

ORDER/JUDGMENT

M.A./R.A./C.A. NO.

in
D.A. NO. 432/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अदिकरण
Central Administrative Tribunal

DESPATCH

- 5 DEC 1997

हैदराबाद न्यायपाठ
HYDERABAD BENCH