

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
 AT HYDERABAD

O.A.No. 1183/97

Date of Order : 9.3.99

BETWEEN :

K.C.Panigrahi

.. Applicant.

AND

1. Union of India, rep. by General Manager, S.E.Rly., Garden Reach, Calcutta.
2. Divisional Railway Manager, S.E.Railway, Waltair, Near Dondaparthy Station Road, Visakhapatnam.
3. Senior Divisional Engineer (Co-ordination), S.E.Rly., Near Dondaparthy Station Road, Visakhapatnam.
4. Senior Divisional Personnel Officer, S.E.Rly., Waltair, Near Dondaparthy, Station Road, Visakhapatnam. .. Respondents.

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Counsel for the Applicant

.. Mr.N.Ramamohana Rao

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

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CORAM :

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

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

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.Shiva for Mr.N.Rama Mohana Rao, learned counsel for the applicant and Mr.Nenugopal for Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

*Dr* *1*

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2. The applicant in this OA appeared for the post of Group-C Junior Clerk against the 33 1/3% quota. The applicant was not selected.

3. Hence he has filed this OA praying for setting aside the proceedings No. WPY/623/PT. IV dated 26.8.97 whereby the panel of candidates empanelled for 25 posts of the Junior Clerk in the scale of pay of Rs.950-1500 in the Civil Engineering Department was published by holding the same as illegal, arbitrary and for a consequential direction to the respondents to conduct ~~the~~ fresh selection duly following the procedure contemplated under the rules for appointment to the post of Group-C in Civil Engineering Department from the cadre of Group-D.

4. The main contentions of the applicant are as follows :-

(1) The examinees should not write their names in the answer books and the ~~scrutiny~~ <sup>secrecy</sup> of the answer sheet should be <sup>can</sup> maintained so as to ensure that no favouritism ~~will~~ be shown to anybody. The applicant submits that the above rule was not followed in the examination. The examinees were directed to write their names in the answer sheet, thereby divulging their <sup>bias</sup> identity. This resulted in ~~bias~~ and hence the applicant was not selected.

(2) The question paper should contain to the extent of about 50% objective type questions whereas it contained only

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D

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10% of the objective questions. Hence the question paper  
~~consciously set~~  
itself is ~~wrong~~ against the stipulated rules.

(3) The question papers were not properly ~~stiched~~ and  
hence the answers could not have been properly connected.

5. A reply has been filed in this OA. We find that the  
reply is very inadequate to the contentions raised in the OA.  
The quoting of para-189 of IREM is irrelevant to the issue.

Para-189 of IREM ~~said~~ <sup>gws</sup> the rules for conducting the examination  
~~for promotion to Group-D~~ <sup>kgc'staff</sup> <sup>gndv</sup>  
for promotion to Group-D. It does not contain answers to any  
of the points mentioned in the OA. Relying on para-189 of  
IREM rejecting the case of the applicant is very arbitrary  
and cannot be accepted. It is felt that the reply is filed  
for the sake of filing the reply without considering the  
merits of this case. Hence we set aside the reply given  
<sup>as</sup>  
in this connection ~~not~~ only inadequate but also devoid of  
any substance to the contentions raised in the OA.

6. The applicant submits that the examination has to be  
set aside as the rules are not followed. In the normal course  
such a contention may be in order. But <sup>in</sup> the present case 25  
candidates had been selected on the basis of the examination.

It is very essential to hear those 25 candidates before passing  
~~an order~~ <sup>proceedings</sup>  
~~a~~ reply in regard to the setting aside the examination. As  
those empanelled candidates are not available before us the  
above request cannot be conceded. However the respondents

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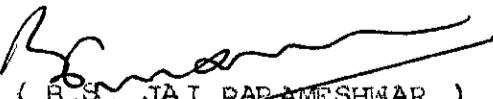
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themselves should consider the case ~~denovo~~ for that the applicant had already filed an application through the Employees Union dated 19.8.97 (A-4). That representation should be disposed of treating it as a representation by the <sup>Union</sup> applicant and a suitable reply should be given. Though the respondents submit that the reply has been given which is enclosed as Annexure R-2, we do not consider it a proper reply. Hence that reply cannot be taken as a proper reply covering all the points mentioned in the representation. Hence a fresh reply covering all the points should be now issued to him by R-2. The applicant may be given a personal hearing also if he desires before issuing a reply.

7. In the result, the R-2 is directed to dispose of the representation submitted on behalf of the applicant by the Union treating it as his personal representation by R-2. Before issuing a final reply a personal hearing may be given to the applicant if he so desires.

8. Time for compliance is 3 months from the date of receipt of a copy of this order.

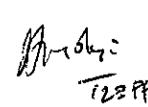
9. The OA is ordered accordingly. No costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

9.329

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 9th March, 1999  
( Dictated in Open Court )

  
M.A.  
722 PP.

*24/3/99*

Copy to:

1. HONJ

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

2. HHRP M(A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

3. HBSJP M(J)

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

4. D.R. (A)

THE HON'BLE MR. H. RAJENDRA PRASAD:  
MEMBER (A)

5. SPARE

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

THE HON'BLE MR. B. S. JAI PARAMESWAR  
MEMBER (J)

DATED: 9/3/99

ORDER/JUDGEMENT

~~MA./RA./CP. NO.~~

IN

L. O.A. NO. 1183/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

*8 copies*

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
शेषण / DESPATCH

17 MAR 1999

हैदराबाद प्रायगीड  
HYDERABAD BENCH