

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.666/99

dt.6-4-2000

Between

1. V. Lakshminarayana
2. prasada Rao, I
3. K. Uma Shankar
4. P. Venkateswarlu
5. N.S.S.S. Kumar : Applicants

and

1. Sr. Dy. Genl. Manager
and Chief Vigilance Officer
SCRly, Rail Nilayam
Secunderabad

2. Divnl. Rly. Manager
SC Rly., Vijayawada

3. Sr. Divnl. Mech. Engineer
SC Rly. C&W
Vijayawada

4. Divnl. Personnel Officer
SC Rly., Vijayawada : Respondents

Counsel for the applicants : K.S. Murthy, Advocate

Counsel for the respondents : V.Rajeswara Rao
SC for Railways

Ceram

Hon. Mr. C.R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

JL

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Mr. K.S. Murthy, for the applicants and Mr. V. Rajeswara Rao for the respondents.

1. There are five applicants in this OA. They are working as HS-II and III fitters under the Respondent No.3. A notification dated 21-7-1998 (Annex.A.I) was issued calling for volunteers to fill up five posts of Intermediate Apprentice TXRs, four UR and one SC in the scale of Rs.5000-8000 against 25% LDCE quota. The applicant along with other eligible candidates appeared for the written examination held on 12-12-1998. Out of 36 who responded 35 attended the written examination. The post of Apprentice TXR is a safety category post, hence, volunteers who obtain a minimum of 60% in the written examination and also in the aggregate (written and viva-voce) are eligible for empanelment. Out of 35 who appeared it is stated that 7 UR have qualified to be called for viva-voce. The viva-voce was held on 6-1-99 and selection proceedings have been drawn on the same date.

2. However, some of the employees who failed in the written examination filed OA.86/99 on the file of this bench alleging serious irregularities in the conduct of examination. The Tribunal ordered that it is a fit case to receive the attention of the Senior DGM and Chief Vigilance Officer for clearing up the suspicion. The results were withheld in pursuance of the direction in the above said OA. The Vigilance officer had directed the and it was found that due to unfair evaluation the whole examination has to be cancelled and a fresh notification to be issued for selecting candidates for the above said posts.

..2.

3. This OA is filed praying for a declaration that the action of the respondents in conducting the inquiry unilaterally and not considering the case of the applicants is illegal and setting aside the orders of Respondent No.4 dated 6-4-1999 whereby the selection initiated by notification dated 21-7-98 was cancelled after calling for records and consequently declare the results of the selection process initiated by notification dated 21-7-98 for the post of Intermediate Apprentice TXRs with all consequential benefits.

4. As stated earlier the Vigilance Branch has recommended for re-examination due to alleged unfair evaluation of the answer sheets. Today the learned counsel for the respondents produced the file bearing No.G.265/02/09/01/2000 wherein the Inquiry report of the Vigilance Department is available. Perusal of the record indicates that serious irregularities were committed in awarding marks by the examiners who corrected the answer sheets. We do not find any other ^{reason} for cancellation of the selection.

5. In view of the above circumstances, we are of the opinion that the cancellation of selection is not warranted but revaluation of all the answer sheets by a Mechanical Engineering officer who is competent and whose integrity is not in ^{suspicion} ~~suspicion~~ ^{may be sufficient} to evaluate the answer sheets afresh, Awarding marks on the basis of revaluation and grant marks and ~~prepare~~ ^{for} a list of employees who can be called for viva voce may be and those employees should be interviewed. On that basis a final select list should be issued.

6. To achieve the above the Respondent No.2 should nominate ^a Mechanical Engineering Officer of his choice who can be relied upon in evaluating the answer sheets without any bias.

7. The final select list should be issued within a period of three months from the date of receipt of ^a copy of this order.

8. The OA is ordered accordingly. No costs.

~~B. S. Jai Parameshwar~~
(B.S. Jai Parameshwar)
Member (LGL.)
~~b. 4-~~

~~R. Rangarajan~~
(R. Rangarajan)
Member (Admn)

Dated : 6 April, 2000
Dictated in Open Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

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

2. HON (ADMN) MEMBER. THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

3. HBSJP. M. (JUDL)

4. D.R. (ADMN) THE HON'BLE MR. B.S. JAI PARARESHWAR
MEMBER (JUDL)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL DATE OF ORDER 6/4/00

MA/RE/CE. NO.

IN

S.A. NO.

666/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN/ABANDONED/RESCINDED
HYDERABAD BENCH

ORDER/REJECTED

NO ORDER AS TO COSTS

619 APR 2000

RECEIVED
JULY SECTION