

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 428/99.

Dt. of Decision : 21-02-2000.

P. Megileiah

Applicant.

Vs

1. The Divisional Railway Manager,
Sec'bad Division, SC Rly,
Sanchalan Bhavan, 2nd Floor,
Sec'bad.
2. The Sr.Divl. Personnel Officer,
Sec'bad Division, SC Rly,
Sanchalan Bhavan, 5th Floor,
Sec'bad.

.. Respondents.

Counsel for the applicant : Mr. J. M. Naidu

Counsel for the respondents : Mr. V. Rajeswara Rao, Addl. CGSC.

CORAM:-

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

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

ORDER

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

Heard Mr. J. M. Naidu, learned counsel for the applicant
and Mr. V. Rajeswara Rao, learned counsel for the respondents.

2. A notification bearing No. CP/529/2/1/Selection/TC,
dated 1-9-97 (Annexure-I) was issued for the selection by
promotion of Commercial Group-D Staff as Ticket Collectors
against the departmental quota of 33 1/3%. The applicant
alleges that selection was not cancelled. Hence the selection
as ordered to be held on 28-11-98 is illegal. The applicant
and others sat for the examination held on 21-11-98 but walked out
of the exam hall, as complaining that the paper was tough.

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However the written test held on 21-11-98 was cancelled and a fresh date on 20-3-99 and 27-3-99 was fixed for conducting the selection for the above said promotional post.

3. At that juncture the applicant has filed this OA ^{for} setting aside the notification for selection to the post of Ticket Collector vide ~~xxx~~ proceedings No.CP/529/2/1/Selection/TC, dated 26-02-1999 (Annexure-VI to the OA) without cancelling the earlier notification dated 1-9-97 ^{as it is} illegal, arbitrary and for a consequential direction to the respondents to fill up the post of Ticket Collector by conducting viva-voce test in pursuance to the notification No.CP/529/2/1/Selection/TC, dated 1-9-97 and even ^{later} dated 18-12-1997 of R-2.

4. The main contention of the applicant is that the notification dated 1-9-97 was not cancelled and hence issuing of the second notification dated 26-2-99 is unwarranted and uncalled for.

5. The respondents in their reply ^{have} enclosed the memo No.CP/529/2/1/Selection/TC dated 9-9-98 (Annexure-R-1 to the reply) whereby written test held on 16-11-97 on the basis of the notification dated 1-9-97 was cancelled and it was decided to conduct a fresh selection. It is also stated in the last para of the letter dated 9-9-98 that those applied in response to the notification dated 1-9-97 will only be considered for the selection as per the later notification dated 26-2-99.

6. From the above details it is very clear that the first notification dated 1-9-97 has been cancelled as there was a vigilance ^{case} in regard to that examination. No further addition to the volunteers were permitted for consideration on the basis

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of the second notification dated 26-2-99 thereby the chances of the applicant due to further addition of the willing candidate is avoided.

7. The applicant obtained interim order dated 19-3-99 in this OA permitting him to sit for the examination if he ~~desires~~ ^{desires} so. It is stated that the applicant also sat for the examination. The examination held on 21-11-98 had been cancelled as the the examinees have walked out the examination hall complaining that the paper was tough. That was taken note of ^{by} the respondents authorities and hence the examination was held on 20-3-99 and 27-3-99 for which the applicant had also appeared.

8. Under the above circumstances we are of the opinion that no injustice has been done to the applicant herein. The first notification dated 1-9-97 had been cancelled and after cancelling that notification only the second notification dated 26-2-99 was issued. Hence it has to be stated that proper action has been taken by the respondent authorities to cancel the first notification dated 1-9-97. The applicant also appeared for the selection held on 20-3-99 and 27-3-99. He has to take his chance for promotion on the basis of his performance in the selection held on 20-3-99 and 27-3-99. We see no reason to hold the selection in accordance with the first notification dated 1-9-97. In that view the OA ^{is} liable only to be dismissed and accordingly it is dismissed. No costs.

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

(R. RANGARAJAN)
MEMBER (ADMN.)

21.2.00

Dated : The 21st February, 2000.
(Dictated in the Open Court)

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Prabhu