

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 10.9.1999

OA 160/93

Gopi Nath Sharma, Chief Clerk, Estt. Mech. Section, Divisional Railway Manager's Office, Jaipur, Western Railway.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
3. Sr. Divisional Personnel Officer, Western Railway, Jaipur Division, Jaipur.
4. Shri G.L. Rajcrista, Sr. DME, Western Railway, Kota.
5. Shri Hot Chand Giridhari
6. Shri Ami Lal Yadav
7. Shri H.C. Tare
8. Shri Gurvas Mal
9. Shri Shyam Behire Mathur
10. Shri Rameshwar Prasad Sharma
11. Shri Shrinath Pathak

Respondents No. 5 to 11 are employed as Chief Clerk in the Estt. Branch, DRM Office, Jaipur, Western Railway.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. N. P. NAWANI, ADM. MEMBER

For the Applicant

... None

For the Respondents

... Mr. U. D. Sharma

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

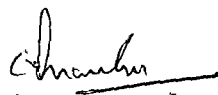
Applicant, Gopi Nath Sharma, in this application under Section 19 of the Administrative Tribunals Act, 1985, has prayed that the impugned orders dated 6.6.91, at Annexure A-1, and dated 1-6/7-92, at Annexure A-2, so far as they relate to the selection to the post of Chief Clerk in respect of respondents No. 5 to 11 may be declared illegal and the same may be quashed and the respondents may be directed to promote the applicant to the post of Chief Clerk with retrospective effect.

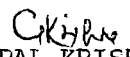
13

2. None is present for the applicant. None was present for the applicant on the last two dates also. We have heard the learned counsel for the respondents and have gone through the records of the case.

3. The applicant was initially appointed as Clerk on 26.4.1957. He was thereafter promoted as Head Clerk with effect from 1.1.1984. Applicant's case is that after passing the written test for the post of Chief Clerk scale Rs.1600-2660 he was subjected to a viva-voce test, which was conducted on 3.6.1991. The grievance of the applicant is that during the viva-voce test he could not hear the questions put to him properly due to his being hard of hearing and since this fact was not taken into account by the members of the Selection Board, he could not expose his knowledge and was wrongly failed in the viva-voce test. On the other hand, the respondents have stated that if the applicant was hard of hearing and he could not hear the questions properly, he could have brought this fact to the notice of the members of the Selection Board and should have requested them to speak loudly so that he could hear and understand the questions put up to him by them. The applicant did not lodge any protest immediately after his interview was over. The applicant having failed in the selection process, the plea advanced by him appears to be an after-thought. Subsequently, the applicant cleared another selection and has been promoted to the post of Chief Clerk vide order dated 3.9.1992, at Annexure A-9. In the circumstances, the pleas raised by the applicant are untenable.

4. We do not find any merits in this application. It is, therefore, dismissed with no order as to costs.


(N.P. NAWANI)
ADM. MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK