

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Jaipur, the 23rd day of November, 2015

ORIGINAL APPLICATION No. 291/00681/2015

CORAM :

HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Laxman Singh S/o Shri Ram Swaroop aged around 45 years, R/o
TKD Railway Colony, New Delhi presently working as Platform
Potter at TKD, New Delhi

... Applicant

(By Advocate: Mr. Sumit Khandelwal)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Railway, Rail Bhawan, New Delhi.
2. The Divisional Rail Manger, Kota Division Kota.
3. The Assistant Personal Officer (Commerce) West Central Railway-Kota.

... Respondents

ORDER

Per Hon'ble Ms. Meenakshi Hooja, M(A)

This OA has been filed u/s 19 of the Administrative
Tribunals Act, 1985 seeking directions that the Original
Application of the applicant may be accepted and the order

dated 13.06.2015 and the result dated 09.10.2015 may be quashed and set aside and further the respondents may be directed to make selection as per the examination held on 09.06.2015 in the larger interest of justice.

2. It has been averred in the OA that the applicant was initially appointed in the respondents department as Platform Potter. The Respondent No. 3 issued a notification No. EC/1025/3 (Ranker) Part- I dated 05.02.2015 for the selection of Ticket Examiner alongwith eligibility scheme, syllabus for written examination that included a single paper examinations. The applicant being qualified, was called for written examination to be held on 09.06.2015 as published by the respondent No. 3 vide letter dated 13.05.2015, at Railway Secondary School, Kota. The applicant participated in the aforesaid examination and had every hope to get selected but vide letter dated 13.07.2015 (Annexure - 1) the respondent cancelled the examination dated 09.06.2015 on the basis of some unforeseeable reasons. Thereafter the respondent No. 3 vide the letter dated 17.08.2015 declared the new date for examination i.e. 05.09.2015 in which it was mentioned that the written examination was divided in two parts Part- A and Part- B instead of one paper as given in earlier notification. Again respondent No. 3 issued new letter on 21.08.2015 whereby the examination date was changed to 19.09.2015. Thereafter vide letter of respondent No. 3 dated 01.09.2015 the date of examination was

preponed to 12.09.2015. The date of examination was changed as many as three times, the pattern of examination was also changed. However, the applicant participated in the examination held on 12.09.2015 but when the result was declared vide letter dated 09.10.2015 (Annexure A/2), the applicant did not get place in the aforesaid list. The applicant filed a representation before the respondent but no action was taken.

3. When the matter came up today for our consideration at admission stage and the learned counsel for applicant was heard, it was noticed that the applicant appeared in the written examination held on 09.06.2015 but the entire examination was cancelled vide letter dated 13.07.2015 (Annexure -1) due to unforeseeable reasons. When the written examination was held later on 12.09.2015, the applicant willingly participated in the same and his grievance is that he did not get place in the result declared vide letter dated 9.10.2015 (Annexure A/2). It is thus apparent that the applicant has participated in the examinations conducted by the respondents, and any changes in the examination pattern or duly notified dates are not only applicable to him but to all others who were entitled and eligible to participate in the examination. Merely because he has not been declared passed in the written examination as per result dated 09.10.2015 (Annexure A/2) cannot be considered a sufficient ground or justification for grant of any relief sought for by the applicant. Accordingly, in view of the facts and

circumstances of the case, the Original Application, being bereft and devoid of merit, is dismissed at the admission stage itself dispensing with the need to issue notices to the respondents.

4. A copy of this order however, be sent to respondent No. 2 & 3 by the Registry.



(Meenakshi Hooja)
Member (A)



(Justice Harun-UI-Rashid)
Member (J)

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