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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A No.31/97

Date of order: 1/8/2000

Yogendra Kumar Sharma, S/c Shri Mahesh Chandra Sharma,
R/c A-13, Anita Colony, Bajaj Nagar, Jaipur.

...Applicant.

vs.

1. Union of India through Secretary, Deptt. of Railway, New Delhi.
2. Railway Recruitment Board, Ajmer through its Secretary.
3. Chairman, Railway Recruitment Board, Ajmer.

...Respondents.

Mr L.F.F. Mathur - of Mr.R.N.Mathur - Counsel for applicant.

Mr.U.D.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.F.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to take interview for the post of Ticket Collector and if the applicant found is suitable for the post, appointment order may be issued with reference to the selection dated 17.1.97.

2. Facts of the case as stated by the applicant are that he appeared in the examination for selection for Ticket Collector in pursuance employment notice dated 17.3.96 and after declared successful he was called for interview to appear before the selection board on 15.1.97 at 8.00 AM in the reception hall of RRB, Ajmer. It is stated that the applicant reached at 7.45 AM in the Reception hall of RRB Ajmer and his signature was obtained in the register meant for this purpose. He did not leave the reception hall even

[Signature]

during lunch break and he waited till 5.00 PM for his turn. But he was not called for interview. He met the Committee Members as well when they were coming out and explained them for not calling for interview but they refused to take the interview. Thereafter he rushed to Chamber of respondent No.2 but the Darbar did not allow him to meet. On 17.1.97 the result was declared. It is stated that if the applicant could have been interviewed he was very hopeful for selection but due to deliberate, arbitrary and negligent action of the respondents a chance for interview was taken away. Therefore, he filed the O.A for the relief as mentioned above.

3. Reply was filed. The respondents filed the interim as well as detailed reply. In the reply allegations made by the applicant are denied. It was denied that the Chairman had declined to meet with the applicant after the interview. It is stated that the applicant had come to Ajmer on 15.1.97, marked his attendance/signed on the register at the reception hall of RRB at Ajmer and went away to find out the condition of his kid who was not well. It is stated that the applicant had given a ring to Jaipur to his wife who conveyed the condition of his kid not well, therefore the applicant rushed to Jaipur. It is further stated that the applicant approached the Members to take his interview on 17.1.97 but by this time many Members of interview committee had left Ajmer, therefore, Member Secretary has shown his inability to help the applicant. Alongwith the reply, affidavits of Shri V.K.Bhatia, Hindi Assistant, Shri R.C. Sharma, Sr.Clerk, Shri Ram Dayal Sharma, Pech of RRB Ajmer and Note of Shri K.L.Dukhaie, Member Secretary, were also filed and prayed that the O.A is devoid of any merit and liable to be dismissed.

4. Rejoinder was also filed by the applicant in which it

was emphasised that affidavit filed on behalf of the respondents contained contradictory statements which establish the fact that version of the defendant is concocted and far from truth. Shri Gopesh Sharma, brother of the applicant, filed an affidavit that he went to Ajmer on 16.1.97 at 12.15 PM and he met the Member Secretary in his Chamber and he met him alone. An affidavit of Smt. Anju Sharma was also filed to prove the fact that on 15.1.97 her husband did not talk with her on telephone and her kid was not at all ill. Shri Rajesh Sharma also filed an affidavit to prove the fact that till he was interviewed at 3.00 PM Shri Yogenra Kumar Sharma with him in the reception hall and he waited upto 4 PM because he wanted to go to Jaipur alongwith him. But the applicant did not come till 4 PM, therefore, he went Jaipur after seeking permission from the applicant.

5. Heard the learned counsel for the parties and also perused the whole record.

6. It is an admitted fact that the applicant alongwith others was called for interview for the post of Ticket Collector by the RRB, Ajmer on 15.1.97 and the applicant attended there. It is also an admitted fact that the applicant had signed in the register meant for this purpose. The case of the applicant is that he waited upto 5 PM but he was not called for interview whereas the contention of the respondent that the applicant was called again and again on 15.1.97 to appear before the interview Board but the applicant was not available. Further contention of the respondents had been that the applicant due to illness of his son had a talk with his wife during lunch and she conveyed the applicant regarding illness of his child, therefore the applicant rushed to Jaipur.

7. We have perused the averments filed by the applicant, as

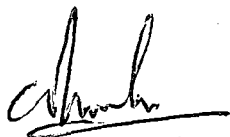
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also the respondents.

8. This Tribunal cannot make roving enquiry but this fact is established that the applicant went to Ajmer on 15.1.97 and reached the venue of interview at the scheduled time and signed in the register which was meant for this purpose. It clearly shows that the applicant attended the RRB Ajmer but according to the applicant he waited till 5 PM but he was not interviewed although this fact has been denied by the respondents and they have presented a separate story but the story presented by the respondents has been controverted by the applicant in so many words. Since this Tribunal is unable to make roving enquiries, therefore, looking to the facts and circumstances of this case, equity demands that the applicant must be given an opportunity for interview for the post of Ticket Collector with reference to the employment notice dated 17.3.96. We would like to make it very clear that this Tribunal vide order dated 20.2.97 modified the interim order and directed to the respondents to keep one post of Ticket Collector vacant till the next date and this order continues till today.

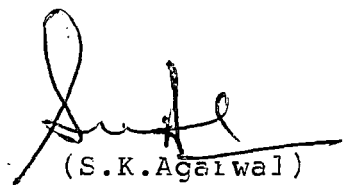
8. In view of the foregoing, we allow the O.A and direct respondents No.2 & 3 to take interview of the applicant within one month from the date of receipt of a copy of this order and after interview if the applicant is found suitable for the post of Ticket Collector, appointment order, may be issued to him for the post of Ticket Collector.

9. No order as to costs.



(N.F. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).