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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.550/97

Date of order: 16.8.2000

Shri Nand Lal Bhatnagar, S/o Sh.Ganpat Rai, MCF & ESM, R/o 266/4,
Darji Mohalla (Mandir), Lakhan Kothri, Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer.
3. Divisional Signal & Telecommunication Engineer, W.Rly, Ajmer.

...Respondents.

Mr.N.K.Gautam - Counsel for applicant.

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

CORAM:

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

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

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

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to allow him for suitability test for Signal Inspector Gr.III.

2. The case of the applicant in nutshell is that vide notification of Chief Signal Inspector, Ajmer, the applicant was advised to appear for the suitability test on 8.11.97. The applicant appeared on 8.11.97 for the suitability test at the notified place but he was refused to appear in the test. It is stated that the refusal of taking suitability test of the applicant was infringement of his constitutional right and the respondents were careless in noting the notification to the concerned staff. Therefore, because of the fault of the respondents, the applicant should not suffer.

3. Reply was filed. Thereafter an additional Affidavit was also filed by Shri Gopal Dass Tandon, Sr.Section Engineer, in which it was mentioned that order dated 1.10.97 was received from CSI Ajmer and

according to the order he informed to Shri Nand Lal Bhatnagar, MCF-ESM on 16.10.97 for appearing the examination to be held on 18.10.97 at Ajmer, which has not been accepted by the applicant himself in the reply filed by him.


4. We have heard the learned counsel for the parties for final disposal at the stage of admission and also perused the whole record.

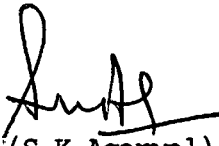
5. On a perusal of the letter dated 15.12.97 issued by DRM Office, Ajmer, it has been specifically mentioned that all the employees should note in writing and put their signature/acknowledgement for oral/ interview to be held on 31.12.97. Admittedly this has not been done by the respondents. We are, therefore, of the considered opinion that the respondents have not taken necessary step to note the time and date of oral examination/interview to the applicant. Therefore, the applicant must be given a chance for appearing in the suitability test.

6. We, therefore, allow the O.A and direct the respondents to allow the applicant to appear in the written and oral suitability test for the post of Signal Inspector Gr.III which may be held in future.

7. With the above direction the O.A is disposed of at the stage of admission. No order as to costs.

8


(N.P.Nawani)
Member (A).


(S.K.Agarwal)
Member (J).