

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 168/97
T.A. NO.

DATE OF DECISION 11-9-1997.

Shri D.G.B.Narzary

(PETITIONER(S))

Mr.A.S.Choudhury, Mr.I Hussain,
Mr.R.Mazumdar

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr.J.L.Sarkar

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE-CHAIRMAN

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble

VICE-CHAIRMAN



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Original Application No.168/97

Date of Order: This the 11th Day of September 1997.

HON'BLE MR.JUSTICE D.N.BARUAH, VICE-CHAIRMAN

HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

Shri Dharendra Giri Brahma Narzary,
Son of Jitendra Nath Boro
Vill.Dhulabari(Khandimir) P.O.Doulkuchi, P.S. Rangia,
District Kamrup.

By Advocate Mr.A.S.Choudhury, Mr.I Hussain,
Mr.R.Mazumdar.

-Vs-

1. The Railway Recruitment Board,
represented by the Chairman,
Station Road, Guwahati-1.
2. The General Manager,
Northeast Frontier Railway,
Maligaon, Guwahati
3. Sri Hema Boro
Roll No.130504152
C/O.Railway Recruitment Board,
Station Road, Guwahati.

By Advocate Mr.J.L.Sarkar.

O R D E R.

BARUAH J(VC):

This application has been filed challenging the Selection of persons for recruitment to the posts of Commercial Clerk of the N.F.Railway. Pursuant to Employment Notice No.3/96(Spl) selection of candidates was held. According to the applicant, there were various irregularities in conducting selection. Besides the applicant has alleged malafide in action in as much as the candidate finally selected for recruitment are from Golaghat and Nagaon District, the Home District of the Chairman of the Railway Recruitment Board Guwahati and the Chief Minister, Assam. The allegation of malafide has to be proved by the applicant in proper manner as required. However, at this

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stage we are not inclined to make any enquiry as we are disposing the petition at this stage.

According to the applicant one of the candidates bearing Roll No.13061545(at serial No.10) of the Final Select list of Commercial Clerk/^{was}not qualified in the written test and his name has been found in the final select list of the candidates. This Roll No. was inserted against serial No.25 of the result of the written test dated 1-5-97(Annexure 5) even though his name did not appear in the select list for qualified candidates. If he was not found among the Qualified candidates how he could be finally selected. All these irregularities indicate that the authority made the selection without proper scrutiny and also/^{without}proper application of mind.

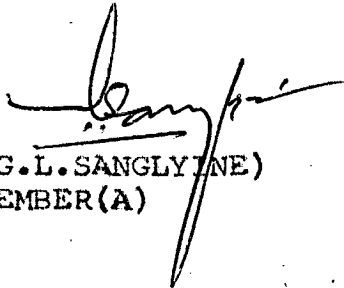
Heard Mr.I Hussain learned counsel appearing on behalf of the applicant and Mr.J.L.Sarkar learned counsel for Railway Administration. Mr.Hussain has emphasised that the selection was done most mechanically and perfunctory which will be evident from the fact that the candidate bearing Roll No.13061545 was finally selected though he was not qualified as mentioned above. Mr.Hussain further submits that in this regard the applicant filed a representation before the authority. We find the submission of Mr.I Hussain some force. Mr.Sarkar has not able to make any submission refuting the allegation so far this point is concerned. Considering the entire facts and circumstances of the case, we feel that it will

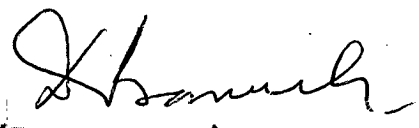
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be apposite if the representation ~~is~~ filed by the applicant, is disposed of by the authority. Therefore, we dispose of this application with a directions to the respondents to consider and dispose of the representation (Annexure 9). The applicant may also file a fresh representation within 10 days from to-day giving details about his grievances and if such fresh representation is filed within time mentioned, the authority shall also consider the said representation and dispose of the matter by giving reasoned order. If the applicant is still aggrieved he may approach appropriate authority.

Considering the entire facts and circumstances we make no order as to costs.


(G.L. SANGLYINE)
MEMBER(A)


(D.N. BARUAH)
VICE-CHAIRMAN

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