

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 299 of 1998

Jabalpur, this the 11th day of August, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

1. Jagdish Prasad Sharma,  
S/o Shri Dauji Ram Sharma,  
aged about 44 years,  
working as Head T.C.,  
Western Railway,  
Ratlam (M.P.)
2. Shiv Avtar Yadav,  
S/o Shri Guthu Prasad Yadav,  
aged 40 years,  
Working as Head T.C.,  
Western Railway,  
Ratlam (M.P.)

APPLICANT

(By Advocate - Shri V. Tripathi holding brief of Shri S.Paul)

VERSUS

1. Union of India  
through its Secretary,  
Railway Board,  
New Delhi.
2. General Manager,  
Western Railway,  
Churchgate,  
Mumbai
3. Divisional Railway Manager,  
Western Railway,  
Ratlam (M.P.)

RESPONDENTS

(By Advocate - Shri S.P. Sinha)

O R D E R (ORAL)

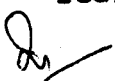
Shri Jagdish Prasad and another have filed this Original Application assailing the entire selection for the post of Head T.T.E. held in pursuance with notification dated 3.10.97. A direction has been sought to the respondents to conduct the selection the said post afresh. The material facts leading to the filing of this Original Application are at a very narrow compass. Both applicants are employed on the post of Head T.C. As per the channel of promotion the next promotion of the applicants is <sup>the next</sup> post of Head T.T.E. Both applicants came within the zone consideration and appeared in the written test which

was held on 8.11.97. It is also averred that as per rules in force the applicant belongs to the Commercial Department and the question paper was required to be prepared by an Officer of a suitable rank of Commercial Department. On the date of examination they found that many candidates were having question papers and were discussing about it. There were surprised to see that the question paper was supplied to them in examination hall which they had seen in the hands of many candidates before the examination. The questions were out of syllabus as well as were not as per the mandate of IREM is that 50% of the questions should be objective type whereas here only question No. 4 was objective type. The result was declared on 11.3.98 wherein except 10 candidates and all candidates belong to Ratlam Headquarter. There was no fair assessment of merits.

2. The respondents have contested the case and filed a detailed return and it has been submitted that no ground<sup>is a</sup> made for challenging the selection and the applicant did not make any complaint in the matter. Had there been any complaint made immediately the allegations could have been examined. Thus there is no ground for challenging the selection. Moreover the selected candidate have already been promoted. The applicants have also not exhausted the alternative remedy.

3. A short rejoinder has been filed in the matter on behalf of the applicant.

4. We have heard the learned counsel for the parties and have carefully perused the records of this case. The learned counsel for the applicants has reiterated the facts and grounds mentioned in the Original Application and submitted that after the examination was finalised, and the applicant did not find ~~in~~ the place and were failed in the written examination test, they have approached this Tribunal. It was ascertained from learned counsel for the applicant, that whether any representation

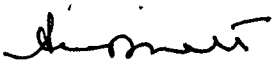


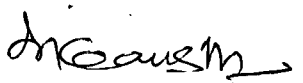
was ever filed by them in the matter. The learned counsel for the applicant, replied in negative.

5. On the contrary the learned counsel for the respondents has submitted that in the very selection an OA No. 195/98 was filed before the Ahmedabad Bench of this Tribunal, and the same has been rejected. The facts and grounds raised are similar and the judgement fully covers the controversy on all fours. Further no detailed discussion in the matter is required.

6. We have considered the rival contention raised on behalf of the parties. We have perused the judgement which has been relied upon by the learned counsel for the respondents and found that whole controversy has been resolved there. While we have no hesitation in following the said judgement, we can only assert at this stage that we were to examine the controversy independently, we would have also reached the same conclusion.

7. In view of the aforesaid discussion, we have no hesitation in following the judgement in ~~Mr~~ B. Rameshwar (supra) case and decided the Original Application in the similar lines. In the premises the Original Application does not have any merit or substance. The same fails and stands dismissed accordingly. There shall be no order as to costs.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(J.K. Kaushik)  
Judicial Member

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि जारी किया:-

SM' (1) सचिव, उच्च न्यायालय, जबलपुर

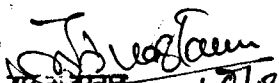
(2) सचिव, न्यायालय, जबलपुर

(3) सचिव, न्यायालय, जबलपुर

(4) सचिव, न्यायालय, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

S. Paul, Adm  
S. P. Sinha, Adm

  
27/8/03

Issued  
On 28.8.03  
BS