

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION No. 170/1296-1299/2015

TODAY, THIS THE 14th DAY OF SEPTEMBER, 2018

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. Sri. G.Ravikumar,
S/o Late Gopal,
Aged about 51 years,
Working as Hamal,
Office of the Station Manager
Bangalore City Railway Station,
South Western Railway,
Bangalore -560023.

1. Sri.Noor Ahmed,
S/o Late Basheer Ahmed,
Aged about 43 years,
Working as Hamal,
Office of the Station Manager
Bangalore City Railway Station,
South Western Railway,
Bangalore -560023.

2. Sri.Sumit Sharma,
S/o Sham Kumar Sharma,
Aged about 34 years,
Working as Porter,
Office of the Station Manager
Bangalore City Railway Station,
South Western Railway,
Bangalore -560023.

3. Sri.Srinivas,
S/o Late Chinnappa,
Aged about 27 years,
Working as Hamal,
Office of the Station Manager
Bangalore City Railway Station,
South Western Railway,
Bangalore -560023.

.... Applicants.

(By Advocate Shri K. Shiva Kumar)

Vs.

1. Union of India

Represented by
The General Manager,
South Western Railway,
Hubli.

2. The Divisional Railway Manager,

Bangalore Divisional
South Western Railway,
Bangalore – 560023.

3. The Sr.Divisional Personnel Officer,

Bangalore Divisional Office,
South Western Railway,
Bangalore – 560023.

... Respondents.

(By Advocate Shri N. Amaresh)

ORDER

Hon'ble Shri Dinesh Sharma, Administrative Member

The case of the applicants is that they had applied for the post of Ticket Examiner under 33^{1/3} quota for which an examination was held on 21.06.2014. The result of the examination was not announced and they had to file an O.A (699-703/2015) before this Tribunal. This Tribunal directed the respondents to take a final decision in respect of that examination. The respondents cancelled the written examination and informed the applicants about the same. The applicants have again come to this Tribunal challenging the cancellation of examination mainly on the ground that such cancellation, without any fault on their part, is wrong.

2. The respondents have accepted the fact that the examination was cancelled. They say that it was done because of administrative reasons and with the approval of the General Manager, South Western Railway. The Railways have again conducted this examination on 26.10.2015 and advised

the applicants to appear in it. Some of the applicants did appear in this examination and at least one of them was selected. There has been no capriciousness, arbitrariness, illegality or malafide action on the part of the respondents and, therefore, cancellation of the examination, in view of the exigencies of circumstances at that time, cannot be found fault with.

3. The applicants, in their rejoinder, have reiterated their claim and informed that their efforts to get the reasons for cancellation of examination under the RTI Act have also failed since the department have refused to give information under Section 8(1)(g) of the RTI Act. Applicants also allege that they appeared in the second examination "with a protest" and that there was paucity of time for preparation of the second examination.

4. During the course of hearing, we had asked for the records (file) connected with this examination. Those records were produced for perusal in a sealed cover. The records were later returned back to the department.

5. After going through the pleadings and hearing the arguments, it is clear that the examination held on 21.06.2014 had to be cancelled because of certain facts which, the department feels, seriously vitiated the process of examination. Since divulging this information, which led to cancellation of examination, is, in their opinion, likely to endanger the life or physical safety of persons and will lead to identify the source of information or assistance given in confidence, the Department is well within its legal rights not to disclose it. The cancellation of the whole process before the evaluation was completed or the results were arrived at does not prejudice any particular candidate and, therefore, it cannot be said to be going against only the applicants. The applicants were further given an opportunity to appear in the examination to fill the same quota which they, though under protest, did make use of. No

purpose will be served now by reviving the examination held on 21.06.2014, and hence, the O.A. is liable to be rejected,

6. The O.A. is dismissed accordingly. There shall be no orders as to costs.

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**

**(DR. K.B. SURESH)
JUDICIAL MEMBER**

Cvr.

Annexures referred to by the Applicant in OA 1296 to 1299/2015

1. Annexure A1 Copy of the Notification/Letter dated 11.4.2014
2. Annexure A2 Copy of the Eligibility List prepared by the senior D.P.O dated 10.6.2014
3. Annexure A3 Copy of the Eligibility List dated 30.5.2014
4. Annexure A4 Copy of the letter No.B.P 608/II/comm/TC/Vol.VIII/16.2/3%/PRQ dated 21.11.2014
5. Annexure A5 Copy of the letter No.B/P.209/OA-699-703/2015 dated 1.9.2015
6. Annexure A6 Copy of the letter No.B/P.209/OA-699-703/2015 dated 1.9.2015
7. Annexure A7 Copy of the letter No.B/P.209/OA-699-703/2015 dated 1.9.2015
8. Annexure A8 Copy of the letter No.B/P.209/OA-699-703/2015 dated 1.9.2015
9. Annexure A9 Copy of the letter No.B/P/608/II/Comm/./TC/Vol.IX/16.2/3%/PRQ dated 29/30.3.2015
10. Annexure A10 Copy of the Circular/Letter No.2011/V-1/CVC/1/4 dated 28.4.2011
11. Annexure A11 Copy of the RTI letter dated 30.11.2015/02.12.2015

Annexures referred by Respondents

1. Annexure R1 Attendance List
2. Annexure R2 Copy of the Memorandum No.B/P.608/II/Comm/TC/Vol.VIII/33/3%/PRQ dated 30.12.2015