

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA./20/1153/2016

Dated: 12/1/2018

BETWEEN:

1. B. Chandrasekhar Rao,
S/o. Lakshmana Rao,
aged about 47 years,
Occ: Loco Pilot (Passenger),
O/o. The Chief Crew Controller,
South Central Railway,
Vijayawada Division,
Rajahmundry, East Godavari District.
2. T. Durga Rao,
S/o. Veeraswamy,
Aged about 36 years,
Occ: Loco Pilot (Passenger) (Diesel),
O/o. The chief Crew Controller,
South Central Railway,
Vijayawada Division,
Vijayawada, Krishna District.

..... Applicants

AND

1. Union of India rep. by
The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,
South Central Railway, Vijayawada Division,
Vijayawada.
3. The Sr. Divisional Electrical Engineer (TRSO),
South Central Railway, Vijayawada Division,
Vijayawada.
4. The Sr. Divisional Mechanical Engineer,
South Central Railway, Vijayawada Division,
Vijayawada.
5. The Sr. Divisional Personnel Officer,
South Central Railway, Vijayawada Division,
Vijayawada.

..... Respondents

Counsel for the Applicant : Mr. KRKV. Prasad, Advocate
Counsel for the Respondents : Mr. N. Srinatha Rao, SC for Rlys.

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Judicial Member
Hon'ble Mrs. Minnie Mathew, Administrative Member

ORAL ORDER

{Per Hon'ble Mr. Justice R. Kantha Rao, Judicial Member}

Heard Mr. KRKV. Prasad, learned counsel appearing for the applicants and Mr. N. Srinatha Rao, learned Standing Counsel for the Respondents.

2. The OA is filed to declare the decision of the respondent in cancelling the selection and issuing a fresh notification dated 28.10.2016 in respect of the very same selection as illegal and arbitrary, set aside and quash the Memorandum dated 24.10.2016 and the Notification dated 28.10.2016 with a direction to the respondents to finalize the selection for the post of Chief Loco Inspector in pursuance of the Notification dated 12.11.2014 in respect of which results of the written examination were published vide letter dated 06.08.2016 and select the applicants as Chief Loco Inspectors on the basis of their merit and grant consequential benefits.

3. The brief facts of the OA are that the Respondent Railways issued a Notification dated 12.11.2014 calling volunteers from different grades of employees working in the cadre of Loco Pilot for selection to the post of Chief Loco Inspector in Mechanical Department prescribing eligibility criteria. In response to the 2nd Notification the applicants applied for the

posts notified and they appeared for the written examination held on

02.07.2016 and qualified in the written examination on 06.08.2016. The applicants were among 49 employees who were enlisted. Thereafter, the respondents by impugned Memorandum dated 24.10.2016 cancelled the selection of the applicants and other candidates and a fresh Notification dated 28.10.2016 was issued on the very same lines of the earlier Notification for the very same vacancies. In their reply statement it is mainly contended by the Respondent Railways that the Railways inadvertently allowed some ineligible employees to appear for the written examination and, therefore, they cancelled the 1st Notification and issued the second one. Thus, the only contention of the respondent Railways is that as some ineligible candidates wrote examination, they cancelled the Notification and issued a fresh notification.

4. After going through the rival contentions and submissions made by the learned counsel on the either side, we are of the view that the Railways should have set apart the ineligible candidates instead of cancelling the entire Notification. Since it is not difficult for the department to segregate the ineligible candidates basing on their experience, we are of the view that the cancellation of the Notification dated 12.11.2014 is not proper and that they ought not have issued the 2nd Notification. Therefore, we are inclined to direct the respondents to proceed with the selection process in pursuance of the first notification dated 12.11.2014 by excluding ineligible candidates, if any, who did not satisfy eligibility criteria in the Notification. We are also inclined to set aside the 2nd Notification. Therefore, they have to

proceed with selection process as per the first notification only. Consequently, 2nd Notification dated 28.10.2016 issued by the respondents

is hereby set aside. The respondents are directed to proceed with the selection process in pursuance of the 1st Notification dated 12.11.2014, commencing the process at the point at which it was stopped, however, considering the candidature of the applicants while proceeding with the selection process further.

5. With the above direction, the OA is disposed of without any order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

Dated the 12th January, 2018
(Dictated in the Open Court)

al