

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **09nd** day of **January**, 2019

Present :

Hon'ble Ms. Ajanta Dayalan, Member-A

Hon'ble Mr. Rakesh Sagar Jain, Member-J

Original Application No.330/01410/2018

Niraj Kumar age about 42 years son of Shri Daya Ram, residence of 186-A/1-A, Kukarganj, District - Allahabad.

.....Applicant.

By Advocate –Shri Rajesh Kumar
Shri P.K. Mishra

V E R S U S

1. Union of India through General Manager, North Central Railway, Headquarters Office, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Divisional Railway Manager (P), North Central Railway, Allahabad.
4. Deputy Chief Mechanical Engineer, North Central Railway, Allahabad.

..... Respondents

By Advocate : Shri Amit Kumar Rai

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member-A :

Shri P.K. Mishra, counsel for the applicant and Shri Amit Kumar Rai, counsel for the respondents are present.

2. Learned counsel for the applicant states that vide Tribunal's order dated 24.12.2018, the applicant was allowed to appear provisionally in the examination for Chief Loco Inspector to be held on 05.01.2019 'subject to fulfilling all the eligibility criteria laid down by the department.' But he has not been allowed to appear in the said examination held on 05.01.2019. The next date of examination is

19.01.2019 and as such, learned counsel for the applicant states that his prayer is that he may be allowed to appear in the examination provisionally on that date.

3. On an query, as to why he was not allowed in the examination on 05.01.2019, learned counsel for the applicant states that as per the respondents he did not fulfill the eligibility criteria. He further states that he fulfills the eligibility criteria as he is working as Chief Power Controller and has 75,000 kms driving experience as per the certificates enclosed in OA.

4. Learned counsel for the respondents states that he objects to the certificates produced by the applicant as these are fraudulent certificates. He also states that the applicant is not working as Chief Power Controller in substantive capacity and he is only working in officiating capacity.

5. Having heard the counsels for both the parties, we direct the applicant to make a representation to the competent authority in the respondents' department, making out the case for his eligibility by tomorrow and the respondents' department will take a view on the eligibility in view of the guidelines/rules/instructions of the Railways within a week. The respondents' department will also communicate the decision to the applicant at least one day before the examination date.

6. The result of the said examination would not be withheld. We clarify that even in case the applicant is allowed to appear in the

examination provisionally by the respondents' department, the result only of the applicant will be withheld and not whole examination.

7. In view of the above direction, the OA is finally disposed of. No costs.

Member-J

Member-A

RKM/