

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00576/2017

DATED THIS THE 04TH DAY OF SEPTEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

S. Manjunath

S/o B. Sundareshan

Aged about 38 years

Working as Helper

Office of Senior Section Engineer

Diesel Loco

Mechanical Department

South Western Railway

Krishnarajapuram

Bangalore

...Applicant

(By Advocate Shri.Izzhar Ahmed)

Vs.

1. Senior Divisional Personnel Officer

South Western Railway
Bangalore Division
Bangalore 23

2. Additional Divisional Railway Manager

South Western Railway
Bangalore Division
Bangalore 23

3. The Union of India

Through the General Manager
South Western Railway
Gadag Road
Hubli 20

.....Respondents

(By Shri N. Amaresh, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. Apparently the respondents would submit that in their notification relating to the examination a provision has been made that the evaluator must not be able to know the identity of the person. To this extent this stipulation is correct. But they have formulated Question No. 5 in such a way that an application for No Objection Certificate to apply for passport had to be explained. Apparently applicant and 13 others had shown an imaginary name and had answered that question.

2. We find that the infraction led in the way in which the question was formulated by the respondents. It was their mistake that they created a forum wherein answer could be given only by mentioning some name or other or XYZ. For the morass created by the respondents the applicant cannot be held responsible. Thus any selection that has been made consequent to that will be held in abeyance. All these papers will be re-examined and re-evaluated and accordingly appropriate speaking orders will be issued. We also grant liberty to the applicant and similarly situated others. At this point of time the respondents want to limit the benefit to the applicant alone but under provisions of Article 14 we do not need to look into their grievance at a later stage. Let it be settled at one go by the respondents. The respondents now say that they do not know what kind of identity they have disclosed. If the identity disclosed in the answer paper are their own that need not be re-evaluated but if it is an imaginary name then it has to be re-evaluated. Let this matter be settled at one stroke. The respondents are given a right to look into the answer papers and find out whether they had given their actual name or imaginary name and to evaluate

only those papers in which imaginary names are given. This clarification is also given. This shall be done within one month next.

3. The OA is allowed to this limited extent. No order as to costs.

(C V SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00576/2017

Annexure A1 Copy of the notification dated 01.08.2016

Annexure A 2 Copy of the question paper dated 31.05.2017

Annexure A 3 Copy of the written result dated 21.07.2017

Annexure A4 Copy of the representation dated 09.08.2017

Annexure A5 Copy of the Railway Board's order dated 23.08.2010

Annexure A6 Copy of the Railway Board's order dated 28.11.2016

Annexure A7 Copy of the Railway Board's order dated 07.08.2002

Annexure A 8 Copy of the Railway Board's order dated 20.06.2003

Annexures with reply statement

Nil

Annexures with rejoinder

Annexure Re09 Copy of the Railway Board's order dated 20.10.1999

Annexure Re10 Copy of the Master Circular - 31

Annexure Re11 Copy of the answer book under RTI

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