

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00182/2016

DATED THIS THE 29TH DAY OF NOVEMBER, 2018

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

T. Tirumala Reddy
S/o Late Narayana Reddy,
Aged about 39 years,
Working as S & WI,
Office of the Sr.DPO/UBL,
Residing at Plot No 23,
Sadashiva Colony,
Gadag Road,
Hubli – 580 020.

...Applicant

(By Advocate Shri T. Narayanaswamy)

Vs.

1. Union of India,
General Manager,
South Western Railway,
Hubli – 580 020

2. The Chief Personnel Officer,
South Western Railway,
Gadag Road,
Hubli – 580 020

3. The Divisional Railway Manager,
South Western Railway,
Hubli Division,
Hubli – 580 020

4. The Sr. Divisional Personnel Officer,
Divisional office,
DRM Compound,
Hubli – 580 020

(By Standing Counsel Shri N. Amaresh for Respondents)

O R D E R (ORAL)**HON'BLE DR.K.B.SURESH ...MEMBER(J)**

Heard. The matter is in a very small compass. Apparently the applicant being eligible to be in the zone of consideration for selection was denied, which he challenged successfully before the Tribunal and the Hon'ble High Court. Thereafter his name was included and considered. But then apparently vide Annexure A19 a show cause notice was issued indicating that as per SDGM/SWR/UBL Letter No. G.265/Vig/Comp/CVC/S&WI/48/39 of 10.09.15, GM/SWR has approved the cancellation of the above examination and the panel declared to be treated as null and void.

2. Now there is a scenario behind this. Apparently one other candidate Shri Shaik Abdul Subhan had apparently entered into some small agreement with one selector, who is the personnel officer and this person had leaked the question paper and key answers to this Shri Shaik Abdul Subhan, which was found out and the Personnel Officer was imposed with a punishment of reduction in pay with 2 stages for 2 months. Apparently, a process is also taken against this Shri Shaik Abdul Subhan. But for this reason, normally no action can be taken against the applicant, as applicant seems to be ignorant and innocent of any wrong doing. Therefore, we specifically asked Shri Amaresh, learned counsel for the respondents whether a tarred situation extended to the applicant also. He says there is no specific charge against the applicant. Therefore, we hereby quash that portion of Annexure A-19 and A-21. The panel cannot be quashed. Applicant is eligible for selection and included in the panel. We declare that the applicant has a right to be selected and appointed. Therefore he will be allowed to continue

in the same post with all consequential benefits. If benefits are to be made, it may be made available within one month next.

3. OA allowed. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred in O.A. No. 170/00182/2016

Annexure-A1: Copy of the order dated 25.08.2010
Annexure-A2: Copy of the order dated 25.08.2010 regarding tentative programme for selection to the post of Staff and Welfare Inspector
Annexure-A3: Copy of the order dated 27.09.2010
Annexure-A4: Copy of the order dated 06.10.2010
Annexure-A5: Copy of the order dated 08.11.2010
Annexure-A6: Copy of the statement of marks
Annexure-A7: Copy of the order dated 31.01.2013 in O.A. No. 122/2012
Annexure-A8: Copy of the MA No. 199/2013
Annexure-A9: Copy of the order in Writ Petition No. 79906/2013
Annexure-A10: Copy of the order sheet dated 13.01.2015
Annexure-A11: Copy of the order dated 20.03.2015
Annexure-A12: Copy of the order dated 06.04.2015
Annexure-A13: Copy of the order dated 06.04.2015
Annexure-A14: Copy of the order dated 09.04.2015
Annexure-A15: Copy of the order dated 28.07.2015
Annexure-A16: Copy of the order dated 09.12.2015
Annexure-A17: Copy of the order dated 16.01.2015
Annexure-A18: Copy of the order dated 08.04.2015
Annexure-A19: Copy of the show cause notice dated 05.11.2015
Annexure-A20: Copy of the explanation dated 04.12.2015
Annexure-A21: Copy of the order dated 10.02.2016

Annexures with reply statement

Annexure-R1: Copy of the extract of Indian Railway Establishment Manual Vol.I
