

Reasoned

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTING:BILASPUR**

## **Original Application No.203/00590/2019**

**Bilaspur, this Thursday, the 18<sup>th</sup> day of July, 2019**

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER  
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

D. Praveen S/o D.M. Prabhakar aged about 32 years presently working as Helper-II, R/o Qtr No.1488/1 Wireless Colony Bilaspur (C.G.) 495004 Mobile No.9589081613 **-Applicant**

(By Advocate-Shri A.V.Sridhar)

## V e r s u s

1. Union of India, Through the General Manager, South East Central Railway Bilaspur (C.G.) 495004
  2. Principal Chief Personnel Officer, South East Central Railway Bilaspur (C.G.) 495004
  3. Sr. Divisional Mechanical Engineer/(Co-Ord) South East Central Railway Bilaspur (C.G.) 495004
  4. Assistant Personnel Officer, South East Central Railway Bilaspur (C.G.) 495004

(By Advocate-Shri Vivek Verma)

## ORDER

**By Navin Tandon, AM:-**

The applicant is aggrieved by cancellation of written examination held for promotion to the post of Tech-III against 25% Limited Departmental Competitive Examination (for brevity ‘LDCE’).

**2.** The brief facts of the case, as submitted by the applicant are as under:-

**2.1** A Notification No.68/2018 dated 28.11.2018 (Annexure A-2) was issued for selection for promotion to the post of Tech.II/C&W against 25% LDCE.

**2.2** As per the notification the Selection was to be based on the basis of written test and scrutiny of service record of the successful staff.

**2.3** Along with the notification dated 28.1.2018 (Annexure A-2) syllabus of the examination was also affixed as Annexure-A.

**2.4** The applicant had applied for the said selection and had also appeared in the written examination.

**2.5** However, the competent authority vide order dated 12.06.2019 cancelled the said written examination due to “wrong inclusion of questions of English language in question paper” as communicated vide impugned letter dated 17.06.2019 (Annexure A-1).

**3.** The application has, therefore, prayed for the following reliefs:-

“(8.1) That the learned Tribunal may kindly be pleased to quash the impugned order dated 17.06.2019 (Annexure A-1).

(8.2) That the learned Tribunal may kindly be pleased to direct the respondents to proceed with the cancelled

examinations to conclude the selection for promotion to the post of Tech-III, against 25% LDCE within a set time frame.

**(8.3) Cost of the Original Application be awarded.**

**(8.4) Any other relief which the learned Tribunal deems fit and proper may be awarded”.**

**4.** The learned counsel for the applicant has vehemently argued that it was very well within the ambit of the respondents to cancel the alleged questions of English language and proceed further by granting proportionate marks to all the candidates, as there were no other irregularities in the conduct of the examination.

**5.** Heard on admission.

**6.** On perusal of the Original Application we find that the applicant himself in Para 5.2 of his pleadings has admitted that “the syllabus prescribed for the written examination did not contain English language as one of the subject”. However, we find that Part-A of the question paper (Annexure A-3) contains 15 questions pertaining to English language. The competent authority of the respondent-railway on finding such an irregularity in the conduct of the written examination has cancelled the said written examination due to “wrong inclusion of questions of English language in question paper” as communicated vide impugned letter dated 17.06.2019 (Annexure A-1). We also find that in the

impugned letter dated 17.06.2019 it was also stated that “Accordingly, the written examination further needs to be conducted *de novo*”, which means that the respondents have not at all cancelled the whole selection, but only the written examination further needs to be conducted *de novo*.

7. In this view of the matter, we do not find any illegality or irregularity in passing the impugned order.
8. Accordingly, the Original Application is dismissed in limine.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

*rkv*