

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1779/2003

This the 19th day of November, 2003

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

Smt. Lajja Sharma,
Head Clerk, Central Registry,
Northern Railway, D.R.M. Office,
Chelmsford Road,
New Delhi-110001.

... Applicant

(By Shri S.K.Sawhney, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Sr. Divisional Personnel Officer,
Divisional Railway Manager Office,
Northern Railway, Chelmsford Road,
New Delhi.
3. Ms. Neelam Rautela,
OS-II, Central Registry,
Northern Railway,
D.R.M. Office, Chelmsford Road,
New Delhi.

... Respondents

(By Shri H.K.Gangwani and Shri R.L.Dhawan, Advocates)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, V.C.(A) :

Applicant is presently working as Head Clerk in the Central Registry of Northern Railway, D.R.M.'s Office, New Delhi. Applicant appeared in the written test held on 29.3.2003 for selection to the post of Office Superintendent-II (scale Rs.5500-9000). The learned counsel of the applicant contended that while the relevant instructions required that the Hindi version of the question paper should be supplied to the candidates, the question paper was in English only and the Hindi

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version was not supplied. This caused prejudice to her. She made a representation (Annexure A-2) on 31.3.2003 to the D.R.M.'s Office but the result was declared without deciding her application. Applicant has challenged Annexure A-1 dated 2.5.2003 whereby respondent No.3 Ms. Neelam Rautela was included in the panel to the exclusion of the applicant.

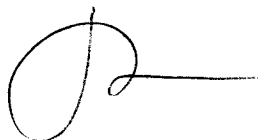
2. On the other hand, the learned counsel of the respondents denied that the applicant had ^{not} made any representation and as such, she rushed to the Tribunal without exhausting the departmental remedy. The learned counsel also stated that applicant had appeared in the written test held on 29.3.2003 and was provided the question paper in both Hindi and English and as such, the applicant's grievance is misconceived.

3. We have seen Annexure A-2 dated 31.3.2003 which is claimed to be the representation made by the applicant for non-supply of the question paper in Hindi. The stamp on Annexure A-2 is not clear nor anyone seems to have signed on the seal in acknowledgement of having received the representation. Thus, the respondents' contention that they had not received any representation from the applicant carries weight.

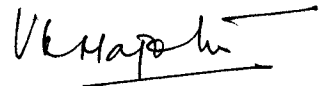
4. We have also seen the records produced by the respondents. We find that the applicant had reproduced the questions in Hindi and answered the questions also in Hindi. The records also contain the Hindi version of the question paper. Had the applicant not been supplied the

questions in Hindi. she could not have reproduced them verbatim in Hindi in her answersheet. She has reproduced the questions in Hindi in her answersheet and then answered them in Hindi. The applicant's contention that she had not been supplied the question paper in Hindi has not been established, therefore.

5. The applicant has not been able to establish her case and has merely put up a frivolous claim. The OA is, therefore, dismissed being absolutely devoid of merit. A cost of Rs.3000/- (Rupees three thousand) is imposed on the applicant for having instituted a frivolous litigation.



(Bharat Bhushan)
Member (J)



(V. K. Majotra)
Vice-Chairman (A)

/as/