

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00751/2019

Dated this Wednesday, the 13th day of November, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

1. Prakash Kishan Chouhan Son of Kishan Ramji Chouhan
 Date of Birth: 11.07.1979, age 40 years 04 months
 working as: Technician II (Group "C" post) in the office of
 Chief Workshop Manager, Parel Workshop of Central Railway,
 Mumbai 400 012 and residing at : C-301, 3rd Floor,
 Green Lawns Complex, Village Belawadi, Post Badlapur,
 Taluka Ambarath, District : Thane, State of Maharashtra,
 Pin Code 421 503.
2. Ajay Dinkar Waghmare, Son of Dinkar Natha Waghmare,
 Date of birth: 1.06.1975, age 44 years 05 months,
 working as Technician II (Group "C" post) in the office of
 Chief Workshop Manager, Parel Workshop of Central Railway,
 Mumbai 400 012 and residing at C14/100, 2nd Floor, MS/RB-II,
 Central Railway Colony, Kurla (East), Mumbai 400 024,
 State of Maharashtra.

- Applicants

(By Advocate Shri R.G.Walia)

VERSUS

1. Union of India, Through – Through: Secretary,
 Railway Board, Rail Bhavan, Raisina Road,
 Rafi Ahmed Kidwai Marg, New Delhi 110 001.
2. General Manager, Central Railway, Headquarters Office,
 Shree Chhatrapati Shivaji Maharaj Terminus (CSMT),
 Mumbai 400 001.
3. Chief Workshop Manager, Parel Workshop,
 Personnel Department, Central Railway, Mumbai 400 012.
4. Rajbhasha Officer, Central Railway, Headquarters Office,
 Shree Chhatrapati Shivaji Maharaj Terminus (CSMT),
 Mumbai 400 001.

- Respondents

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

Heard Shri R.G.Walia, learned counsel for
 the applicant.

2. This application has been filed on

04.11.2019 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8(a). This Hon'ble Tribunal may be pleased to call for the records and proceedings which led to the passing of the impugned orders dated 28.8.2019 (i.e. Annex. "A1") and 11.10.2019 (i.e. Annex. "A2") and after going through its propriety, legality and constitutional validity be pleased to quash and set aside the same.

8(b). This Hon'ble Tribunal may be pleased to hold and declare that the selection conducted by the respondents pursuant to the Notification dated 31.5.2019 is absolutely illegal and wrong and accordingly quash the entire Selection Process with further directions to the respondents to conduct a Fresh Selection (Written Test) by providing Question and Answers both in Hindi and English Language.

8(c). Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

8(d). Cost of this Original Application be provided for."

3. The applicants are serving as Technician Grade II and have applied for participation in the examination against Ranker quota in the Mechanical Department of the Parel Workshop of the respondents and for which, they appeared in the examination on 28.08.2019 wherein results were also published on the same day. The applicants have represented directly to the respondent No.3 on 31.08.2019 pointing out and alleging certain discrepancies in the conduct of the examination and this has been followed up by representations through Union and various other individuals who participated unsuccessfully in

allegedly replied to these representations and have issued the impugned orders dated 11.10.2019 deputing 19 persons to 52 weeks training after granting them the higher grade on provisional basis.

4. MA No.704/2019 : The learned counsel for the applicant wishes to implead these 19 persons who were provisionally promoted for completion of this OA. He submits that irreparable damage will be caused if persons who were promoted on provisional basis, complete their training.

5. The matter has been carefully examined and it is quite apparent that the respondents have not examined the representations of the applicants with reference to the standing rules for conduct of such examination and have not provided any reply to the applicants. It is also apparent that the persons who have now been selected and deputed for training, will complete the training only by October 2020 which permits ample time to the respondents to introduce correctives if they agree with the contents of the representations filed by the applicant.

6. In the circumstances, the respondents are required to consider the representations filed by the applicants and others and to pass a reasoned and speaking order which shall then be communicated to the persons concerned. It is

ascertained that some applicants have filed representations and it is quite possible that the remaining persons will also file representations and permission is now sought for the purpose in case they need to amplify the representation by citing rules, regulations, etc.

7. In the circumstances, the applicants are granted one week's time to file a fresh representation, if required, and respondents are further directed to consider the existing representations already filed and further representation if filed within the time period specified above and pass a reasoned and speaking order within four weeks. Such order shall then be communicated to the applicants within two weeks thereafter.

8. In the aforesaid terms, this OA is disposed of without any order as to costs.

(Ravinder Kaur)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

*kmg**