

**Central Administrative Tribunal  
Principal Bench**

**OA No.3538/2019**

New Delhi, this the 6<sup>th</sup> day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. A. K. Bishnoi, Member (A)**



Narendra Kumar Tiwari, Age 43 years,  
Applied for Senior Section Engineer post,  
Group B Non designated post,  
S/o Sh. Mithila Sharan Tiwari,  
R/o House No.3258/2,  
Sector-47-D, Chandigarh

- Applicant

(By Advocate: Shri Pradeep Kumar Kar)

**VERSUS**

1. Union of India  
Represented through Secretary,  
Ministry of Railway,  
Rail Bhawan, New Delhi
2. The Chairman,  
Railway Recruitment Board,  
Ministry of Railway,  
Union of India, New Delhi
3. The Chairman,  
Railway Recruitment Board,  
Guwahati, Guwahati Station Road,  
Guwahati 781 001 - Respondents

(By Advocate: Shri K.K. Sharma)

**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy:**

Ministry of Railways issued an Employment Notice No. 02/2014, inviting applications for various posts, including Senior Section Engineer (SSE). 40 posts were earmarked for ex-servicemen. The applicant states that he is an ex-serviceman and applied for the post. In the examination that was conducted for the purpose, only 11 ex-servicemen are said to have



appeared and out of them, only seven were selected. The applicant is not one of the selected candidates.

2. The applicant sought information under the Right to Information Act in the year 2016 and he was informed that he secured only 42 marks. He made several representations as to why he was not selected when an ST candidate with 38 marks can be selected. He was informed on 07.04.2017 that the last selected candidate under ex-servicemen category secured 68.33 marks. In this background, this OA is filed with a prayer to set aside the order dated 07.04.2017 as well as the provisional result in relation to advertisement No.02/2014, as illegal, arbitrary and to consider his case for the post of SSE.

3. We heard Shri Pradeep Kumar Kar, learned counsel for the applicant and Shri K.K. Sharma, learned counsel for the respondents at the stage of admission.

4. It is not in dispute that 40 posts were earmarked for ex-servicemen and the applicant responded to that advertisement. Obviously, because very few candidates in that category were available, only 11 appeared in the examination and out of them, 7 were selected. The applicant was informed way back in the year 2016 that he secured only 42 marks. The minimum marks stipulated for different categories were also indicated, namely, UR-60, OBC-45 and SC/ST-38. It appears that the respondents did not make any distinction between the general candidates and ex-servicemen, in the context of minimum marks. The applicant does not belong to ST category.

Once he has secured only 42 marks, the question of being selected does not arise.

5. We do not find any merit in the OA and the OA is dismissed. There shall be no order as to costs.

**(A. K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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