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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2557/2000

New Delhi this the 7th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.R.ADIGE, VICE-CHAIRMAN (A)

Vijay Kumar Verma
S/o Shri Ram Dhani Verma
R/o 55, Beliganj,
Behind Mansha Devi Mandir
Rae Bareli-229001. Applicant

(By Shri A.K.Behera, Advocate)

-versus-

1. The Chairman
Railway Board
Ministry of Railways
Rail Bhawan
New Delhi.
2. The Chairman
Railway Recruitment Board
Central Railways
Mumbai-400008.
3. The General Manager
Central Railways
Mumbai C.S.T. ... Respondents

(None)

O R D E R (ORAL)

S.R.Adige:-

Applicant challenges respondents' action in not appointing him as Apprentice Chargeman (Electrical) pursuant to the selection initiated in September 1995.

2. Pleadings reveal that Railway Recruitment Board, Mumbai issued Employment Notice No.2/95 on 23/29-9-1995 inviting applications from eligible candidates for various posts including the post of

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Apprentice. Chargeman (Electrical) category No.54 in the pay scale of Rs.1400-2300 (RPS). Applicant submitted his application for the same, and appeared in the written test held on 31.3.1996, and it is not denied that he qualified in the written test.

3. Respondents' held interviews of the eligible candidates from 25.9.1996 to 3.10.1996 and the final panel was declared on 14.11.1996, in which applicant's name did not appear. Applicant was informed accordingly by respondents' letter dated 4.9.1996 that he ^{had} not qualified to be called for the aforesaid interview which he had challenged in OA No.2919/1997. That OA was disposed of by an ex parte order dated 1.3.1999 by quashing the impugned order dated 4.9.1996 with a direction to the respondents to hold the interview of the applicant proceeding on the basis that he had passed the written test and thereafter to give him all consequential benefits.

4. In compliance of the aforesaid directions of 1.3.1999, the Railway Recruitment Board, Mumbai called the applicant for interview on 27.8.1999, but the respondents pointed out that even after receiving the call letter, he did not turn up for interview on 27.8.1999.

5. Applicant filed Contempt Petition No.186/1999 which was dismissed by an order passed on

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14.12.1999 holding that there had been no violation on the part of the respondents in compliance of the order of the Tribunal.

6. Thereupon the applicant filed Review Application No. 2/2000, but the same was also dismissed by an order dated 13.1.2000.

7. Applicant has now filed the present OA.

8. We have heard applicant's counsel, Shri A.K.Behera. None appeared for the respondents even on the second call.

9. We note that even on the previous date, none had appeared on behalf of the respondents, and under the circumstances, we proceed to dispose of this OA after hearing Shri Behera and perusing the material on record.

10. Shri Behera has pointed out that the applicant belongs to a very poor family and is financially in a bad position and he would have certainly appeared in the interview had he received respondents' letter calling him for the same on 27.8.1999, and he contends that the applicant never received that letter.

11. Furthermore, Shri Behera had denied that the applicant was overage for being appointed as

contended by the respondents in para 6.4 of their reply of the OA. In this connection, he has invited our attention to Railway Recruitment Board's Advertisement No.2/1995 which has been referred to in paragraph 6.4 of respondents' reply. A copy of the aforesaid advertisement has been taken on record, and Shri Behera points out that in the annexure to the aforesaid advertisement inviting applications from Apprentice Chargeman (Electrical), it has been stated that other conditions contained in the main Advertisement No.2/1995 will remain the same, and under condition No.4, namely age relaxation, it has been stated that age-limit of 18-33 years would be relaxable by three years in the case of OBC, and under the circumstances, the respondents' contention that the applicant was overage was incorrect, as applicant was below the age of 36 years on the crucial date of 1.9.1995.

12. As there is none to oppose these contentions, and prima facie we have no reason to doubt the correctness of the same, we hold that the applicant cannot be held ineligible for appointment as Apprentice Chargeman (Electrical) merely on the ground of being overaged.

13. Meanwhile, we are informed that during the pendency of the present OA, recruitment rules have themselves undergone modification and as per the modified rules, provision for holding interview has been dispensed with. However, in the light of the

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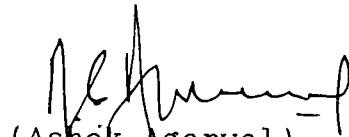
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Hon'ble Supreme Court decision in Y.B.Rangaiah & ors. vs. J.Sreeniwasa Rao & Ors., 1983 SCC (L&S) 382 that the recruitment rules as obtaining on the date ^{H.} ~~of~~ vacancy became available, have to be adhered to.

14. In the background of the aforesaid ruling in the case of Y.B.Rangiah (supra), we dispose of this OA with a direction to the respondents to interview the applicant for the post of Apprentice Chargeman (Electrical) by sending him a letter through Registered Post Acknowledgement Due at the address given in the OA, and after subjecting him to the ^{interview} ~~same~~, consider his claim for appointment as Apprentice Chargeman (Electrical) in accordance with the rules and instructions on the subject. In the event, the applicant is found suitable pursuant to these directions, he will be granted notional seniority with effect from the date his batchmates were appointed on the basis of the results declared by the respondents, with other consequential benefits. Applicant will ^{however} ~~not~~ be entitled to any arrears for the period he has not actually worked as Apprentice Chargeman (Electrical).

15. These directions shall be implemented within three months from the date of receipt of a copy of this order. No costs.


(S.R. Adige)
Vice Chairman (A)


(Ashok Agarwal)
Chairman

/sns/