

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

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O.A. No.1407/1988

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~~XXXXXXXX~~DATE OF DECISION 1.8.1991

<u>SH. KAMLESH KUMAR SINGH RAJPUT</u>	Petitioner
<u>SH. R.K. SAINI</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. & ORS.</u>	Respondent
<u>SH. INDERJIT SHARMA</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. ^{Jus}U.C. Srivastava, Vice-Chairman (J)The Hon'ble Mr. ^{Jus}I.P. Gupta, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT(DELIVERED BY ^{Jus}SH.U.C. SRIVASTAVA, HON'BLE VICE CHAIRMAN(J))

The applicant admittedly who has a brilliant academic record and is a national scholarship holder in school and first class through out from High School to M.A. applied for the post of Traffic Apprentice in the Railway Board in pursuance of the advertisement made in the Employment News dt. 6th December, 1986 which is not a very high post for ^aqualified person like him. Para-13 of the advertisement provided that

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the application suffering from discrepancies shall be rejected. The application of the applicant was not initially rejected and he was allowed to appear in the written test in which he did appear, after getting the admission card for that. The applicant alleges that he did very well in the examination, but he was waiting for call letter for interview, which was never sent to him. When the result was declared, he made efforts for getting the job and later on he learnt that there was some complaint of malpractice in the matter of appointment in the month and the investigations were carried on, but so far as the applicant is concerned, he was never called upon to explain or no notice was sent to him that there was some discrepancy in his application or there was some cutting in the signatures. Failing to get any relief, he approached the Tribunal. In the written statement, the department has tried to justify their action, though it has admitted certain things. It has been stated that although in the Employment News there was no prohibition that the carbon or zerox copy cannot be admitted, but later on in other newspapers, this condition was imposed. However, this is certain that no corrigendum was issued so far as the Employment News is concerned which propelled the applicant and others to apply for the said examination. It has also been stated in the written statement that the applications were scrutinised

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by computerisation and in the process it was found that applications of the candidates which were to be rejected found place in the eligible list. It was, therefore, decided to issue call letters to all the candidates subject to the final scrutiny before declaration of the written test result. It has been stated that apart from the fact that he sent a carbon copy, there was over-writing and correction of roll no. on the answersheet and his signatures on the application form also differed from those found in the attendance sheet. It appears that no expert arrived at this decision that this was not the signature of the applicant. So far as the cutting and over-writing of roll number on the answersheet of the applicant is concerned, he should have been called to explain the same, but this has not been done.

2. Now it is clear that the applicant was allowed to appear in the written examination and if there was any defect, the respondents should have rejected the same, but they allowed him to appear in the examination. Later on they decided that this application is not to be allowed. The principle of estoppel may not apply, but this principle cannot be ignored altogether. After having allowed the applicant to appear in the examination and having told him that he is provisionally allowed to appear in the examination, there is no reason to reject his application on this ground. The applicant has fully established his

case and it is a case which is more or less of a gross injustice and accordingly, the application deserves to be allowed and the respondents are directed to interview the applicant and if he is found fit on the basis of marks in the written examination and interview test, employment be given to him. His signature on answer-sheet may also be verified. Let it be done within a period of three months from the date of communication of this order and in case, the applicant is selected, the respondents shall also consider whether notional seniority could be given to him from that date. There is no order as to costs.

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(I.P. GUPTA)
MEMBER (A)


(U.C. SRIVASTAVA)
VICE CHAIRMAN