

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

...

Original Application No. 105/2016

Date of decision 29.09.2020

CORAM:

**HON'BLE MR. DINESH SHARMA, MEMBER (A)
HON'BLE MRS. HINA P.SHAH, MEMBER (J)**

Ganpat Singh Chouhan S/o Shri Tej Singh Chouhan, aged about 33 years, b/c Rawat (OBC) R/o Village Bali Jassa Khera, Tehsil Bhim, District Rajsamand (Raj.).

...Applicant.

(By Advocate: Shri. Sanjay Mehla)

Versus

1. General Manager, North Western Railway, Jawahar Circle, Jagatpura, Jaipur.
2. Chairman, Railway, Railway Recruitment Cell, North Western Railway, Opp. Divisional Railway Manager Office, Power House Road, Jaipur-302006.
3. The Assistant Personnel Officer, (Recruitment and Training), Railway Recruitment Cell, North Western Railway, Opp. Divisional Railway Manager Office, Power House Road, Jaipur-302006.

...Respondents

(By Advocate: Shri. Anupam Agarwal)

ORAL ORDER

Per Mrs. Hina P.Shah:

The present Original Application has been filed by the Applicant with a prayer that the Respondents be directed to fill up all the total advertised posts, i.e. 5020 and if the Applicant found in merit under OBC Category, he may be given appointment on the Group 'D' post pursuant to Advertisement No.2/2010.

2. Respondents after issue of notice had filed their reply and the Applicant filed his rejoinder.

3. When the matter was heard for some time on 11.02.2020, Shri Anupam Agarwal, Counsel for the respondents sought time to file an Additional Affidavit controverting the facts narrated in the Rejoinder filed by the Applicant. Accordingly, Respondents filed their Additional Affidavit stating that the Applicant belongs to OBC Category and secured 58.16% marks while the cut off marks was 58.54%. There were total 5020 posts, which were advertised and out of that 1353 vacancies were for OBC Category. Out of it, 3% i.e. 41 vacancies were reserved for physically handicapped candidates. As per rules, 20% additional candidates are called for document verification. Accordingly, 1625 candidates (1312+313) were called for document verification. Out of 313 candidates, 146 candidates had already been placed on panel. Applicant's name finds place at Sl.No.81 in the remaining 167 (313-146) candidates. It is further clarified that selection so notified has already been completed and all the vacancies of OBC Category had been filled. Therefore, there is no illegality or arbitrariness in the action of the Respondents in not selecting the Applicant.

4. Heard learned counsels for both the parties through video conference and perused the material available on record.

5. Shri Sanjay Mehla, Counsel for the Applicant stated that he has gone through the Additional Affidavit filed by the Respondents and finds no illegality on the part of the Respondents.

6. In view of the aforesaid submissions, the relief prayed by the Applicant in the present OA does not survive and accordingly the OA is dismissed as infructuous.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/

(4)

(OA No.105/2016)