

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00097/2020

Date of decision: 15.06.2020

CORAM

HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Chetan Kumar son of Shri Kala Ram, aged about 28 years,
Category-ST, Resident of Village Saluo Ka Nada, Post Sena,
Tehsil Bali, District Pali (Raj.)-306707.

.....Applicant

By Advocate: Mr. Yashpal Khileri, through Video
Conferencing.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, K.G. Marg, New Delhi-110001.
2. Principal Chief Personnel Officer, Northern Railway, Baroda House, New Delhi-110001.
3. The Chairman, Railway Recruitment Cell, Railway Recruitment Board, Jammu-Srinagar Railway Colony (West), Jammu-180012; email:rrb-jk@nic.in
4. Assistant Personnel Officer, Railway Recruitment Cell, Divisional Railway Office, Railway Station Road, Cantonment Area, Firozpur, Punjab-152001.
5. Divisional Railway Manager, DRM Office, Railway Samudayik Bhawan, Bart Road, Near Over-bridge, Opposite Bank of India, Firozpur, Punjab-152001.

.....Respondents

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

It is the contention of learned counsel for the applicant that the respondent-department issued Notification dt 23.02.2019 for filling up various posts. Learned counsel for the applicant states that pursuant to the Notification dated 23.02.2019, the applicant applied for the post of Staff Nurse under ST category. There were 2 posts for Staff Nurse in Northern Railway under ST category. It is also contended by learned counsel for the applicant that the applicant, being fully eligible, applied for the said posts of Staff Nurse. The respondents found him eligible, issued him admit card for taking part in the Computer Based Test (CBT). The applicant appeared in the CBT and secured 55.68548 marks.

2. Learned counsel for the applicant vehemently argued that the cut off marks for ST candidate is declared as 55.68548. The applicant also secured the similar marks as declared as cut off marks under the ST category. Learned counsel for the applicant states that the respondent-department short listed candidates for document verification and medical test on the basis of marks secured. In this regard, learned counsel for the applicant drew our attention and showed us the roll number of the applicant as a short listed candidate. It is contended by learned counsel for the applicant that the applicant went for document verification as well as medical test and after the whole procedure being completed, the respondent No. 4 directed the applicant to join office of the respondent No. 5 alongwith all required documents on 05.03.2020. Learned

counsel for the applicant states that it is shocking that when applicant went to the office of respondent No. 5, he was not allowed to join the office of respondent No. 5. Learned counsel for the applicant states that other candidates in his category have been allowed to join while step motherly attitude have been shown to the applicant which is violative of natural justice, arbitrary and illegal in nature.

3. The Bench puts a query to learned counsel for the applicant whether he is having knowledge that anybody under his category securing lesser marks than him was appointed. He could not give any proper reply. Learned counsel for the applicant states that the applicant has preferred a detailed representation to the respondent but on query he could not show the representation on record. Learned counsel for the applicant states that he will be happy and satisfied if this Bench gives a direction to the applicant to file fresh representation stating all his grievances in detail within 07 days from today and pass a direction to the respondents to decide representation after getting it from the applicant within a time bound manner.

4. Taking into consideration the limited prayer of learned counsel for the applicant, we feel it is unnecessary to keep the present OA pending in this situation. Accordingly, the applicant is directed to prefer a fresh representation stating therein all his grievances within 7 days from today and the respondents/respondent No. 4 are directed to decide his fresh representation after receiving it from the applicant within one month by passing a detailed reasoned speaking order with intimation to the applicant.

5. Accordingly, with the above said directions, we dispose off present OA in above said terms. We make it clear that while disposing off this OA nothing has been commented upon the merits. OA is accordingly disposed off.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)