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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.3038/2004

M.A. NO.395/2005

This the 19th day of September, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Naresh Kumar Sharma S/O J.C.Sharma,
R/O G-II, 171 Madangir,
New Delhi.

... Applicant

(By Shri Yogesh Sharma, Advocate)

Versus

1. Union of India through
Secretary, Ministry of Railways,
Rail Bhawan, New Delhi.

2. Deputy Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi.

... Respondents

(By Shri Prabhash Kumar Yadav, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

Applicant has challenged Annexure A-1 dated 9.10.2003 whereby his representation for considering his case for appointment on Group 'D' has been rejected stating that his name was not included in the panel formulated in March, 2001 for filling up Group 'D' vacancies.

2. The learned counsel of applicant stated that respondents had invited applications vide advertisement in Employment News 18-24 March, 2000 (Annexure A-2) for filling up Group 'D' posts. Applicant fulfilled the eligibility criteria for the posts and was interviewed on 8.11.2000. The learned counsel stated that in the select panel applicant was placed at Sl. No. 19, however, he was not offered appointment although several others who were placed below applicant in the panel were appointed. Applicant had made a representation in this behalf to

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respondents. He had filed a Writ Petition (C) No.6035/2003 before the Hon'ble High court which was decided on 19.9.2003 with the following directions:

"Counsel for the petitioner has contended that he had submitted his papers and appeared for the interview on 8.11.2000 and were selected. However, he has heard nothing from the respondents. Thereafter, petitioner submitted his representations to Ministry of Railway as well as Deputy Secretary, Ministry of Railway, and also sent his representation to Consultant (Vigilance), Ministry of Railway. No reply has been received and it seems that representation has not been disposed of by the competent authority. A direction is issued to the respondents to dispose of the representation of the petitioner within 8 weeks."

Respondents rejected applicant's representation vide the impugned orders whereupon applicant filed a contempt petition before the Hon'ble High Court which was decided by the Hon'ble High Court with liberty to challenge the impugned orders. As such applicant has filed the present OA.

3. The learned counsel of respondents stated that respondents had received 35,000 applications in response to the said advertisement. He pointed out that applicant was never placed at Sl. No.19 in the merit list. Actually on the basis of his performance in the *viva voce* the selection committee did not find him fit for inclusion in the merit list.

4. No rejoinder has been filed on behalf of applicant.

5. We have considered the respective contentions of parties.

6. Although applicant claimed that he had been placed at Sl. No. 19 of the select panel, he has neither filed any rejoinder to the rebuttal of respondents in this behalf, nor has he furnished any proof regarding his placement at Sl. No. 19 in the select panel. MA No.395/2005 has been moved on behalf of applicant for a direction to respondents to produce records of selection.

7. In the absence of any rejoinder and proof on behalf of applicant regarding applicant's placement at Sl. No.19 in the select panel, we are not



inclined to indulge in detailed enquiry by requisitioning the entire records of selection in which 35,000 candidates had applied. MA No.395/2005 is rejected as no good grounds have been made out for directing respondents to produce records.

8. Applicant has failed to establish even *prima facie* case. OA is dismissed being devoid of merit.

S. Raju
(Shanker Raju)
Member (J)

V. K. Majotra
19.9.05
(V. K. Majotra)
Vice-Chairman (A)

/as/