

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

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Original Application No. 1220 of 2005

Wednesday, this the 28th day of October, 2009

**Hon'ble Mr. Ashok S. Karamadi, Judicial Member
Hon'ble Mr. S.N. Shukla, Administrative Member**

Indrasen Singh, so of Sri Paras Nath Singh, resident of Village Taiyapur (Uthagi), Post Office Balrajnagar, District Allahabad.

Applicant

By Advocate: Sri Satish Dwivedi

Vs.

1. Union of India through the Secretary, Ministry of Railway, Government of India, Central Secretariat, New Delhi.
2. The General Manager (Personnel), Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Divisional Office, Lucknow.
4. The Chairman, Railway Recruitment Board, Chandigarh, S.C.O. 78-79, Sector 8-C, Chandigarh.
5. The Chairman, Railway Recruitment Board, Mumbai (BCT), Divisional Office Compound, Mumbai-400008.

Respondents

By Advocate: Sri A.K. Pandey

ORDER

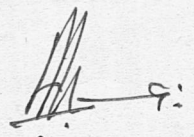
By Hon'ble Mr. Ashok S. Karamadi, J.M.

Heard Sri M.K. Sharma holding brief of Sri Satish Dwivedi, learned counsel for the applicant and Sri Dharmendra Tiwari holding brief of Sri A.K. Pandey, learned counsel for the respondents.



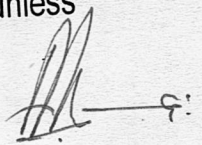
2. The grievance of the applicant in this O.A. is that the respondents have passed the order on 08.05.2001 debarring the applicant from appearing in any examination conducted by RRB for two years. It is further stated that in pursuance to the notification dated 26.10.2002 the applicant had applied and subsequently he has allotted the examination number and appeared in the examination, therefore, respondents should have considered the case of the applicant for appointment to the post which he had appeared for the examination, conducted by the Railway Recruitment Board, Chandigarh for the post of Diesel/Electric Assistant Driver, even though he has submitted two applications, by mistake without any intention on his part to take advantage.

3. On notice, the respondents have filed the Counter Affidavit and stated that on the face of it, that due to inadvertence the applicant was allowed to appear in the selection process and empanelled erroneously, the applicant has submitted two applications; one application he has submitted applying for appointment under the category as 'General', subsequently he filled another application applying for same post under the category 'OBC' earlier. Further it is stated by the respondents that even though applicant has submitted two applications for the same post but he has not shown any considerable reason for the same as the applicant was debarred for two years, from appearing any examination conducted by Railway Recruitment Board is not entitled for relief (s). All the documents submitted by the applicant, are produced by the respondents along with Supplementary Counter Affidavit. For the said




supplementary C.A. the applicant has filed Supplementary R.A. Based on the aforesaid contentions, the respondents sought for dismissal of the O.A.

4. On perusal of the pleadings and the records of the case, it is admitted fact that the applicant has submitted two applications for the same post claiming in different categories, and further it is also clear that by the order dated 08.05.2001 the applicant was debarred for two years with effect from 08.05.2001 to 07.05.2003 to appear in the RRB Examination. In between, the Employment Notice was issued on 26.10.2002, based on that notification he applied. It is also noticed that no reason was mentioned by the applicant why he has submitted two applications for the same post. The applicant has himself submitted in the Supplementary R.A that by mistake he has filled two application forms claiming appointment in different categories i.e. General and OBC. In view of the fact that applicant himself has admitted the mistake, we are of the view that he is not entitled for the relief (s). Even though the applicant has not communicated with the debarring order before 03.08.2005, the fact remains that the order was passed by the competent authority debarring him to appear in the RRB examination for two years w.e.f. 08.05.2001. This fact is not disputed by the applicant as it is the order passed against him. That being so, applicant has no case to seek any relief as he applied for the post in pursuance to the Employment Notice dated 26.10.2002 within the period of two years debarring him to appear in any RRB examination. In the said Employment Notice dated 26.10.2002 at paragraph No. 8 (o), which reads "that those candidates, who are debarred from appearing in any of the Railway Recruitment Board examination, need not apply unless



their de barration period expires up to the closing date. Their application shall not be entertained on the grounds of such de barration". In view of this, it is clear that the candidates who are debarred are not eligible for applying to the post. In the instant case, applicant who is debarred on 08.05.2001 for a period of two years, which comes to an end on 07.05.2003, has applied in between, therefore, the applicant has no right to seek any direction to the respondents, on the other hand action of the respondents in not considering the case of the applicant, in view of the above mentioned facts, cannot be said to be illegal. Accordingly, the applicant has not made out case for grant of relief (s) claimed, accepting the contentions of the respondents, we reject the contention of the applicant.

5. In view of the foregoing reasons, the O.A. is dismissed. No order as to costs.



Member (A)



Member (J)