

8

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.541/2005

FRIDAY, THIS THE 14th DAY OF JULY, 2006

HON'BLE MR. A.K. SINGH ... MEMBER (A)

HON'BLE MR. M. KANTHAIAH ... MEMBER (J)

Shri Kant Ram,
S/o Late Hardeo Ram,
Aged about 38 years,
R/o Rly. Quarter No.5/4, Railway Colony,
EMU Car-Shed, N. Rly.,
New Chipiyana,
Ghaziabad.

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Applicant

(By Advocate Shri Sudama Ram)

Vs.

1. Union of India,
through General Manager,
North Central Railway,
Allahabad.

2. Chairman,
Railway Recruitment Board,
DRM'S Annexe Building,
Nawab Yusuf Road,
Allahabad.

3. Secretary Establishment (RRB),
Railway Board,
Rail Bhawan,
New Delhi.

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Respondents

(By Advocate Shri Prashanth Mathur,
Standing Counsel for Railways)

ORDER

Hon'ble Mr. M. Kanthaiah, Member (J) :

The applicant has filed the application to quash the official select list of Goods Guard partially for Category No.1 as declared in the Employment News of 9-15 April, 2005 covered under Annexure-1 and to direct the 2nd respondent to declare the result of the applicant against the post of Goods Guard against Category No.1 of Employment Notice of 1/2002 for which he had appeared in the written test on the basis of his merit position.

Mathur

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2. The respondents have filed their counter stating that the select list for the post of Goods Guard declared in the Employment News of 9-15 April, 2005 is in order and the applicant is not entitled for questioning the result declared, as such and he is not entitled for the post of Goods Guard and thus opposed the claim of the applicant.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the Chairman, Railway Recruitment Board, advertised to fill up the vacant posts of Assistant station Master, (ASM) Goods Guard and Senior Clerks by conduct General Departmental Competitive Examination (GDCE). The applicant submitted his application for the post of ASM/Goods Guard and appeared for the common written test held on 28.3.2004 with Roll No.1010085. In the results of the written examination, he was eligible for ASM post by publishing the said results in Annexure 5, dated 8.2.2005 and was called for Psycho Analysis Test and in the said Psycho Analysis Test, he failed and thus was not selected for the said post of ASM. In the selection for the post of Goods Guard, his name did not appear in the Select List published in the Employment News covered under Annexure-1. Against the said results, he filed this application stating that still there are three more vacancies of Goods Guard in the General category and they have not been filled up and there is also no indication as to how many candidates were placed and against which quota. He further stated that his name could be adjusted against the remaining three unfilled vacancies on the basis of his selection on the written test for the post of ASM and he further alleged that there is no fairness in the selection as Roll No.1010381 was allotted to one Shri Hardwari Lal. But, another person by name Shri Rakesh Kumar Yadav was selected and placed on top of the merit list at Sl. No.1 with the same Roll No. and thus, questioned the validity of such results.

6. It is not in dispute that the applicant is seeking his selection for the post of Goods Guard for which notification was issued for filling up 20 vacancies, out of which 10 posts are under the General category, 4 under S.C., 1 under S.T. and 5 under

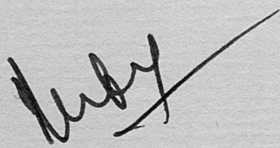
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OB. After the written test, basing on the marks secured by the candidates, the respondents have filled up all the 4 vacancies of SC, 5 of OB and 7 posts out of 10 under the General category, thus, still leaving 3 posts vacant under the General category and 1 post under the S.T. category.

7. Now, the applicant seeks his selection to be made to the post of Goods Guard against the General category which are left vacant. He further says that it is also not clear whether any of the candidates selected under the reserved category are eligible even under the General category and prays that his name has to be considered for selection in the left over vacancies. He also made allegations suspecting fairness in the selection lists. The main contention of the respondents is that they have fixed certain cut off marks for the post of Goods Guard, i.e., 26 marks for S.C. candidates, 34 marks for OB candidates and 44.33 marks for General category candidates, whereas, the applicant has secured only 25.67 marks and the last S.C. candidate selected for the post has obtained 26 marks and thus, it is stated that the applicant has no ground for seeking his selection.

8. At the request of the applicant's counsel, the respondents have produced the original records pertaining to the selections made and we have perused the same.

9. The claim of the applicant that he secured more than 60% marks and as such, he was shown eligible in the written examination published on 8th February, 2005 covered under Annexure-5 at Sl. No.3 which is based on merit list and as such, his selection for the post of Goods Guard has to be considered. From the recitals of Annexure-5, dated 8.2.2005, it is clear that the roll numbers of the successful candidates which are published are not in the order of merit. When the said results are not in the order of merit, the claim of the applicant that he was the eligible candidate with Sl. No.3 in the list on merit basis for the post of ASM in the written examination is not maintainable at all and thus, there is no justification to claim selection for the post of Goods Guard.



(11)

10. Coming to his claim in respect of marks for the post of Goods Guard, as per the combined merit list prepared by the department, the 1st candidate selected under the S.C. category with Roll No.1010033 Shri Kamlesh Kumar had secured 30 marks, the name of the applicant bearing No.1010815 is shown at Sl. No.5 with 25.67 marks, whereas the next candidate at Sl. No.6, i.e., Shri A. Jaswant Rai with Roll No.1010181 also secured 25.67 marks. The cut off marks fixed for general category candidates is 44.33. But, none of the candidates selected under the S.C. category have secured the cut off marks required for General category and as such, considering the name of the applicant for the remaining three unfilled posts under the General category by considering the eligibility of selected S.C. candidates in General category is not maintainable. Further, the next candidate, i.e., Sl. No.6 under the S.C. category Shri Jaswant Rai with Roll No.1010181 also secured same marks of 25.67 with that of the applicant. Thus, the claim of the applicant to consider his name in the unfilled posts under the General category by adjusting the candidates selected under the S.C. category is not sustainable.


11. As regards the other allegations of the applicant in respect of lack of fairness, the respondents have stated that one serving Railway employee viz., Shri Hardwari Lal had applied for the post of Goods Guard and he was issued call letter bearing No.1010389. For the convenience of eligible candidates who have not received the call letters or for deficiency in the name, father's name, etc., 2-3 days prior to written examination, they have made arrangements for issuing of duplicate call letters and at that time one candidate viz., Shri Rakesh Kumar Yadav applied for duplicate call letter against his application duly forwarded by the General Manager (P), CLW/Chittaranjan. But, the same was not traceable in the RRB office, upon which, they have issued duplicate call letter on provisional basis. At that time, by mistake, the computer agency allotted the same Roll No. 1010381 to Shri Rakesh Kumar Yadav. But, Shri Hardwari Lal did not appear and only Shri Rakesh Kumar Yadav appeared in the examination with such Roll No.1010381. In the selected merit list, the computer printed the Roll No.1010381 with the name of Shri Hardwari Lal and while issuing call letters to all the eligible candidates as per the list published/notified roll numberwise and against Roll No.1010381, the computer agency issued the call letter

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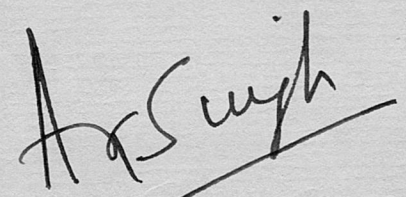
for document verification to Shri Hardwari Lal instead of Shri Rakesh Kumar Yadav. Notice for written examination as well as notice for Document verification of eligible candidates is also published in the news papers and Employment News for information of the eligible candidates upon, which, Shri Rakesh Kumar Yadav who appeared in the written examination with Roll No.1010381 (Control No. 1406) since did not receive the call letter for Document verification reported the respondents' office on the basis of fresh notification. Similarly, Shri Hardwari Lal with Roll No.1010381 (Control No.1082), who did not appear in the written examination and who was wrongly sent the call letter also reported the office for Document verification. Since, Shri Hardwari Lal did not appear in the written examination, his Document verification was not done and only the document verification of Shri Rakesh Kumar Yadav was done and accordingly, final results were prepared showing his name as a passed candidate. Thus, they have stated that there is no manipulation in the selection and thus explained the mistake which crept in respect of Roll No.1010381 allotted to S/Shri Hardwari Lal and Rakesh Kumar Yadav. In respect of unfairness in the selection on the ground that same roll number No.1010381 allotted to Shri Hardwari Lal and the selected candidate Shri Rakesh Kumar Yadav, when the respondents have clarified that such a mistake was committed by the computer agency and subsequently corrected the same and basing on such attributing motives that there are manipulations in the selection or to say that the selection is unfair ~~and~~ is not at all correct and justified.

12. In view of the above discussion, there are no valid and reasonable grounds to quash the selection of candidates for Goods Guard on the ground of unfairness and also to consider the name of the applicant for the unfilled vacancies by adjusting the successful S.C. candidates under the General category. In the result, the O.A. fails and is liable to be dismissed.

13. Accordingly, the O.A. is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J) 14.7.06

psp.


(AK. SINGH)
MEMBER (A)