

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.12/2021

This the 20th day of September, 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Shri Madhav Kumar
Male, Aged-adult
Residing at : Flat No.205,
Shyam Sunder Residency
Barejadi Nandej,
Taluka – Daskoi
Ahmedabad 380 014. **Applicant**

(By Advocate : Shri V.V.Goswamy)

VERSUS

1. Union of India
Notice to be served through
The General Manager
Western Railway
Churchgate, Mumbai – 400 020.

2. The Divisional Railway Manager
O/o. DRM Western Railway
Divisional Office, Pratapnagar
Vadodara Division BRC
Vadodara 391 740. **Respondents**

(By Advocate : Shri M.J.Patel)

OR D E R (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

1. In the instant OA, the main thrust of the counsel for the applicant is that this Tribunal in an identical OA i.e. OA No.312/2020 decided on 17.09.2020 whereby the violation process with regard to written test

held by the respondents for selection from Gr. 'D' to Gr. C' against 33.33% of Rankers quota for the posts of TC/TNC/ACC was declared faulty. The respondents in their reply have admitted that none of the answer / option was stated to be correct of question No.45 in Set- 'C' as per answer key provided by Question Paper Setting Officer. It is admitted by the respondents that after the order passed by this Tribunal, candidates who have secured cut off mark of 60%, they have been considered for appointment, subject to outcome of the SCA No.13649/2020, which was against the order of this Tribunal in OA No.266/2020. Learned counsel for the applicant, Shri V.V.Goswamy submits that since the present applicant is also similarly situated employee and have secured minimum cut off 60 marks after correction, he be treated as equally with those candidates who have been considered for appointment.

2. Considering the aforesaid factual matrix, we dispose of the OA with a direction to the authority competent to consider the candidature of the applicant in the light of the similarly placed other candidates who have been considered for appointment within sixty days from the date of receipt of the order and intimate the applicant.
3. With the above direction, the OA stands disposed. No order as to costs.

**(A.K.Dubey)
Member (A)**

**(J.V.Bhairavia)
Member (J)**

Nk