

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 419 OF 1999  
Cuttack this the 16th day of November/2000

Byomakesh Tripathy ... Applicant(s)

-Vs.-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.419 OF 1999  
Cuttack this the 16th day of November/2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Byomakesha Tripathy, aged about 27 years,  
S/o. Udayanath Tripathy, Resident of Village-  
Purana, PO: Alabola, Via-Balikuda  
District - Jagatsinghpur

...

Applicant

By the Advocates

M/s. Malaya Ku. Mallick

A. A. Khan

-Vs.-

1. Union of India represented through the Secretary to Govt. of India, Ministry of Railway, Rail Bhawan, New Delhi
2. Chairman, Railway Recruitment Board, Bhubaneswar, At: Orissa Forest Development Corporation Building, 2nd Floor, At: A/84, Kharavel Nagar, Bhubaneswar-751001 District - Khurda
3. Assistant Secretary, Railway Recruitment Board, At : O.F.D.C. Building (2nd Floor), A/84, Kharavel Nagar, Bhubaneswar-751001, Dist:Khurda

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Respondents

By the Advocates

M/s. S. Ray

A. A. Khan

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application the petitioner has prayed for appropriate direction to Respondents (Railways) in considering the facts and circumstances as alleged by him. Respondents have filed their counter opposing the prayer of the applicant. For the purpose of considering this petition it is not necessary to go into too many facts of this case. It is only necessary to record that in pursuance to Employment Notice No. 2/98 dated 30.12.1998 by the Railway Recruitment Board, Bhubaneswar, the petitioner applied for the post of Apprentice Supervisor (Permanent-way). This notification is annexed to the O.A. as

Annexure-A/1. The applicant has stated that he has the necessary qualification for the above said post. In response to his application for the post he received an Index Card, xerox copy of which has been annexed as Annexure-A/3 to the Original Application. It is not clear from Annexure-A/3 as to whether the running number of the Index Card is 301396 or 301398. Subsequently, the Railway Board issued a public notice indicating that written examination for the post applied for will be held from 8.7.1999 to 10.7.1999. But as the applicant did not get any Admit Card for the above examination he approached the Office of the Railway Recruitment Board. As stated by the applicant he was advised by the Railway Recruitment Board that no Admit Card could be issued to him as he did not have the requisite qualification for the post applied for by him. In the context of the above the petitioner has come up with the prayers referred to earlier.

2. Respondents in their counter have admitted that they did receive the application of the petitioner for the post of Apprentice Supervisor (Permanent-way) and an Index Card in token of receipt of the application bearing No. 301396 was sent to the applicant. Respondents have further stated that thereafter on scrutiny of the application it was found that the applicant had not enclosed with his application for the post applied for an attested copy of the mark-sheet issued by the Council of High Secondary Education and attested copy of the Provisional Certificate in proof of the applicant having passed 10+2 Exam. Respondents have stated that the applicant was required to send three passport size photographs along with his application. But he had only sent two photographs and those were also not signed. On these grounds the petitioner's application was rejected.

*S Jm.*

3. When the matter was called the learned counsel for the petitioner was not present nor any request was made on his behalf seeking an adjournment. As in this matter pleadings have been completed long ago it was not possible to drag on the matter indefinitely. We have, therefore, heard Shri S.Ray, the learned Addl. Standing Counsel appearing for the Respondents and also perused the records.

4. From the above recital of pleadings of the parties it is clear that the petitioner did apply for the post of Apprentice Supervisor (Permanent-way). In the Employment Notice under Paragraphs 5 and 6 it has been clearly mentioned as to the documents which have to be sent along with his application and in this it is provided that the applicant is required to send three passport size photographs duly signed by him, affixing one on the application and two other copies by stitching. It is also provided that an applicant must send attested copy of the mark sheet. As according to Respondents these documents were wanting they were perfectly right in rejecting the application of the petitioner and therefore, there was no question of issuing any Admit Card to the applicant for appearing at the examination. With regard to discrepancy of number of Index Card Respondents have pointed out that correct number in respect of the applicant is 301396 and the Index No. 303198 belongs to some other candidate one Mr. Lakra. In any case nothing turns in this regard. Index Card is merely a receipt in acknowledgement of receipt of application and it does not indicate that the applicant has been admitted to the examination and/or his application is found to be complete in all respects. As the petitioner has not filed his application complete in all respects

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for the post applied for by him, he cannot claim that his application should have been considered by the Railway Recruitment Board as correct.

In the result we find no merit in this Application which stands rejected, but without any order as to costs.

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
15/11/2010

B.K.SAHOO//