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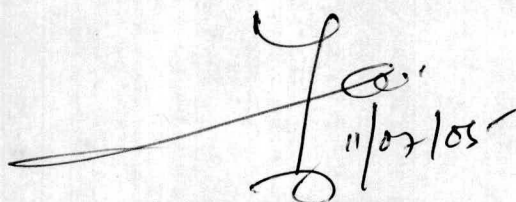
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

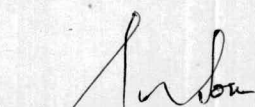
Original Application No. 629 of 2004  
Cuttack, this the 11th day of July, 2005

Sripati Pattanayak ..... Applicant  
Vs  
Union of India & Others ..... Respondents

FOR INSTRUCTIONS

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

  
( M.R. MOHANTY )  
MEMBER (JUDICIAL)

  
( B.N. SGM )  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

Original Application No. 629 of 2004  
Cuttack, this the 14th day of July, 2005

CORAM :

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN  
AND

HON'BLE SHRI M.R.MOHANTY, MEMBER (J)

.....

Shri Sripati Pattnayak, aged about 36 years, Son of Late  
Sadhu Charan Pattnayak, At/P.O. Nahalpur, Via-Sailo  
Govindpur, Dist-Cuttack-754003.

..... Applicant

By the Advocates

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M/s. G.A.R.Dora,  
G.R.Dora,  
J.K.Lenka.

VERSUS

1. Union of India, represented through the General  
Manager, East Coast Railway, Bhubaneswar, Dist.  
Khurda.
2. Chairman, Railway Recruitment Board, East Coast  
Railway, D-79/80, Railway Vihar, B.D.A. Rental  
Colony, Chandra Sekharpur, Bhubaneswar-3, Dist.  
Khurda.

..... Respondents

By the Advocate

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Mr. R.C.Rath (SC) .

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ORDER

SHRI B.N.SQM, VICE-CHAIRMAN :

Shri Sripati Pattanayak, a candidate for the post of Traffic Apprentice (TA, in short) in the scale of pay of Rs. 5500-9000/- advertised by the Respondent Department, has filed this O.A. being aggrieved on account of his non-selection to a post reserved for Ex-serviceman. He has, therefore, prayed for the following reliefs :

- " a) Direct the Respondent No.2 to submit the marks secured by the last general candidate selected and the marks secured by the applicant with the answer scripts in the 2nd stage (Final) Written Examination ;
- b) Direct the Respondents to give appointment to the applicant against one post out of two reserved for Ex-servicemen with consequential benefits ;
- c) Issue any other order/direction which would afford complete relief to the applicant in the facts and circumstances of the case."

2. The factual matrix of the case is that the applicant is an Ex-serviceman and applied for the post of TA in response to advertisement dated 14.11.03 (Annexure-A/1) issued by Railway Recruitment Board (RRB, in short), Bhubaneswar notifying 14 posts, out of which two posts were reserved for Ex-servicemen. He fulfilled the eligibility criteria. He also called for the Written Test, but his name did not figure in the final list of selected candidates although he had done very well and was entitled to a post reserved for Ex-servicemen. His

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allegation is that his non-selection may be due to misconception and inadvertance. He has, in support of his contention, submitted that no minimum qualifying marks had been fixed for the Final Test. He, therefore, has taken the position that his non-selection was on account of malafide and arbitrariness on the part of the Respondents and that is violative of Articles 14 and 16 of the Constitution of India.

3. Per contra, the Respondents have rebutted the allegations being imaginary and baseless. They have submitted that the recruitment process consisted of two stages of written examination. They have admitted that the applicant was an Ex-serviceman candidate from unreserved community and had qualified in Preliminary Written Examination. He was called along with other qualified candidates to appear in the Final Written Examination held on 18.7.04 but he failed to score enough marks so as to remain within the top five candidates of Ex-serviceman in the merit list. They have further submitted that he has failed to secure minimum qualifying marks set for an Ex-serviceman of unreserved community. Referring to Rule 315.2 of Railway Recruitment Board, they have submitted that the Manual provides that selection shall be based on merit position obtained in the Final Stage of Written Examination alone. As he, the applicant, on account of his failure to secure the merit position in the 2nd Stage Written Examination,

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could not be selected, there is no merit in this Application.

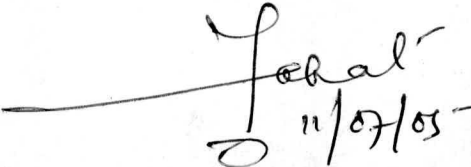
4. We have heard the Ld. Counsel for the rival parties and have also perused the records placed before us.

5. The allegations brought by the applicant having been rebutted by the Respondents, during oral hearing, the Ld. Counsel for the applicant raised apprehension as to whether the five Ex-servicemen selected by the RRB had actually submitted proof in support of their claim of Ex-serviceman quota. We had, accordingly, directed the Respondents to produce the minutes of the Selection Committee to show how did they determine the Ex-serviceman status of the five candidates bearing Roll Nos. 207817, 211971, 212225, 215680 and 217390. They, accordingly, submitted the documents considered by the RRB for selection of the candidates bearing the said Roll Nos. under Ex-serviceman quota. On perusal of the records, we are satisfied that each of these candidates had submitted discharge certificates issued by the defence services authorities in that regard. So the apprehension expressed by the applicant was found to be without merit. The applicant had also demanded that the marks obtained by the successful Ex-serviceman candidates should be called for to see whether they had secured more marks than him. We did not find it necessary to call for the same as the

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Respondents in their counter have already disclosed that not only the applicant had failed to secure enough marks to be within top five candidates of Ex-serviceman in the merit list, he had even failed to secure minimum qualifying marks set for an Ex-serviceman of unreserved category. The applicant had filed a rejoinder where his only counter allegation was that none of the five persons selected as Ex-serviceman were Ex-serviceman at all. This allegation, as we have seen earlier, was found to be not supportable. Further, he could not bring any material before us to show that there could be any mistake in awarding marks to him which needed scrutiny of the valuation sheet prepared by the RRB by us.

6. Having regard to the above facts and circumstances of the case, we see no merit in this O.A. which is accordingly disposed of. No costs.

  
( M.R. MOHANTY )  
MEMBER (JUDICIAL)

  
( B.N. SGM )  
VICE-CHAIRMAN

KUMAR