

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.127/Jodhpur/2013

Jodhpur, this the 27th day of January, 2016

CORAM

Hon'ble Dr. K.B. Suresh, Judicial Member

Hon'ble Ms. Praveen Mahajan, Administrative Member

Ami Lal Prajapat S/o Khamana Ram Parajapat, R/o Village Raiya Tunda,
Tehsil Taranagar, District Churu (Raj.).

.....Applicant

Mr. Awardan Ujjwal, counsel for applicant.

Versus

1. The Union of India through the General Manager, North Western Railway, Headquarters Office, Jawahar Circle, Jaipur.
2. The Deputy Chief Personal Officer (Recruitment) Railway Recruitment Room, North Western Railway, Durgapura Railway Station, Jaipur.

.....respondents

Mr. Govind Suthar for Mr. Manoj Bhandari, counsel for respondents.

ORDER (Oral)

Heard learned counsel for both the parties and perused the record.

The matter is in a very simple compass. Apparently, while marking the roll number in the OMR Answer sheet, which was correctly made in number but within the dot matrix (circle) provided the applicant had made a mistake and therefore his paper were not valued.

2. Learned counsel for the respondents relied upon the judgment of Hon'ble Apex Court in Special Leave to Appeal (C) No.706/2014 (UOI & Anr. Vs. Sharwan Ram & Anr.), decided on 08.10.2014, wherein the Union of India claimed that the applicant therein having not pasted his photograph in military

having only pasted a photograph in civil dress. It is not possible for the respondents to understand that he is an ex-serviceman and passed an appropriate order. The respondents would claim that similar situation arises herein as well.

3. But then, the situation is different here. The applicant has given the roll number correctly, only when the dots are marked one small mistake was committed. For such a small mistake, we do not think that the life and livelihood which is a constitutional guarantee, of the applicant should be lost forever.

4. At this point of time, learned counsel for the respondents would say that it is a 2011 matter. Even though the OA was filed in 2013 they had a parameter of 3 years for keeping the file. We have examined this and found that what the respondents say is correct and there is additional effort which is involved in it. Therefore we proceed to pass the following conditional orders:-

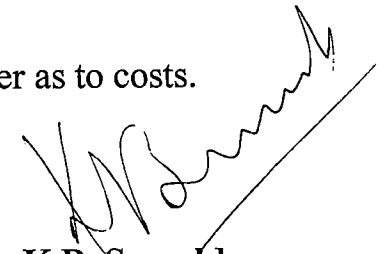
(i) The applicant undertakes that in the event of his papers is being found out and re-evaluated and if not having passed then he is ready to pay a cost of Rs.10,000/- to the respondents. If it is the situation, then it will be treated as arrears of land Revenue and the concerned District Magistrate is hereby authorized to collect the said amount by appropriate coercive measures in matter from the applicant.

(ii) But if the applicant had passed and came within the parameters of selection then an appropriate order would be passed but in that case seniority will be determined to the posts with reference to the date of

(iii) The learned counsel for the respondents make one more submission that if the applicant succeeds and there is no vacancy then what he is to do. Quite obviously, a supernumerary post will be created and the applicant's post may be adjusted in the next round.

5. The OA is disposed of as stated above with no order as to costs.


[Ms. Praveen Mahajan]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member

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