

CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH AT JODHPUR

Original Application No.200/2013

**Jodhpur, this the 24<sup>th</sup> day of January, 2014**

**CORAM**

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, JUDICIAL MEMBER  
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Kishan Singh Gahalot s/o Man Singh, age 37 years r/o village Bora Ka  
Kuwa, Via Vikaypura, Tehsil Devgarh, District Rajasamand (Raj.)

.....Applicant

By Advocate : Mr. Awardhan Ujjawal

Vs.

1. Union of India through General Manager, North Western Railway Headquarters, Jaipur
2. The Divisional Personnel Officer cum nodal Officer, Ajmer, North Western Railway, Ajmer
3. The Section Officer (T.W.), North Western Railway, Kamlighat Railway Station, Rajsamand.

...Respondents

By Advocate : Ms. Anjana Jawa

**ORDER (ORAL)**

Per Justice K.C.Joshi, Member (J)

The applicant has filed this OA against the order dated 27.2.2013 (Ann.A/4) passed by the respondents whereby the respondents have rejected the application of the applicant under Safety Personnel Recruitment Scheme with the following prayers:-

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- i) By an appropriate writ, order or direction, the order dated 27.2.2013 at Annex.A/4 may kindly be quashed and set aside.
- ii) By an order or direction the respondents may be directed to restore the application form of the petitioner and declare qualify to him under the safety personnel recruitment scheme or scheme under which application has been invited from the applicant and grant appointment under the scheme.
- iii) Exemplary cost for causing undue harassment to the applicant be passed in favour of applicant and against the respondents.
- iv) Any other relief which is found just and proper in the fact and circumstances of the case be passed in favour of the applicant in the interest of justice.

2. Brief facts of the case, as stated by the applicant, are that the respondents invited applications under the Safety Personnel Recruitment Scheme vide letter dated 20.5.2011. The applicant being fully eligible applied under the said scheme as father of the applicant is working under respondent department as Key Man. When there was no response given by the respondents, then he applied for information under the RTI Act. The respondents supplied information under the RTI Act and then the applicant could be able to know this his application has been rejected vide order dated 27.2.2013. Therefore, aggrieved by the order dated 27.2.2013 (Ann.A/5), the applicant has filed the present OA thereby praying for the reliefs as extracted above.

3. By way filing reply, the respondents have submitted that the respondents had introduced the scheme of Safety Related Retirement scheme where in it was clearly provisioned that in order to avail the benefit of the scheme a candidate must fall in the age group of 50-57 years to be considered for the retirement and appointment of his/her wards. In the instant case, father of the applicant had already

exceeded the age group and his age was 57 years 4 months and 9 days on the cut off date i.e. 1.7.2011, therefore, candidature of the applicant has been rejected. The respondents have further submitted that the applicant has sought quashing of Ann.A/4 which is not the order whereby candidature of the applicant is rejected but it is an information made available to the applicant. Therefore, the applicant is not entitled to any relief.

4. Heard both the parties. Counsel for the applicant contended that main issue involved in this OA is the cut off date for consideration of the candidature of the applicant for appointment to the post of Keyman under the Safety Related Retirement Scheme which was initiated vide Ann. R/1 but later on modified and extended and vide Ann. R/2 and vide letter dated 29.03.2011, a clarification was issued regarding the basis of enforcement of the Scheme. Counsel for the applicant further contended that as per letter dated 29.03.2011, the recruitment is to be conducted twice in a year as shown in annexure of above letter by which a time schedule has been prescribed. He further contended that as per time schedule 1<sup>st</sup> January and 1<sup>st</sup> July are the dates to start the process of selection and when the letter was issued on 29.03.2011 the respondent-department ought to have considered the application of the applicant w.e.f. 01.01.2011 whereas respondent-department considered the application w.e.f. 01.07.2011 on which date his father was considered overage for extending the benefit of this Scheme. Therefore, the applicant was denied the opportunity of having an appointment under the Safety Related Retirement Scheme as per Annex. R/1 & R/2. He further contended that when clarification order was issued vide letter dated 29.03.2011, the respondent-department ought to have

considered all the applications w.e.f. 01.01.2011 and not from 01.07.2011. He also drew out attention towards para 5 of letter dated 23.02.2012 in which clarification was issued by the respondent-department.

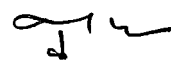
5. Per contra, counsel for the respondents contended that para 5 of the letter dated 23.02.2012 only reiterates the facts contained in the clarification order dated 29.03.2011, therefore, no case for consideration of the applicant to the post of Keyman is made out and due to overage of father of the applicant, his case was rightly rejected by the respondent-department.

6. We have considered rival contentions of both the parties and also perused the record. The contention raised by the counsel for the applicant does not carry any force because as per clarification issued dated 29.03.2011, time schedule is 1<sup>st</sup> January and 1<sup>st</sup> July of the respective year and process of retirement/recruitment is to be started from July 2011 for the calendar year 2011; and when this letter dated 29.03.2011 was issued in March, 2011, there was no question of consideration of candidatures from the back date. Further it has been clearly mentioned in the letter dated 29.03.2011 that "The process of retirement/recruitment may be started from July 2011 for the current calendar year 2011". Therefore, no case is made out to direct the respondents to consider the candidature of the applicant under the Scheme.

7. Accordingly, OA is dismissed with no order as to costs.



(MEENAKSHI HOOJA)  
Administrative Member



(JUSTICE K.C.JOSHI)  
Judicial Member

R/ss