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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 235/2005

R.A./C.P No.

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SECTION OFFICER (Judl.)

Balib
06.11.17

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

ORDER SHEET

Original Application No. 235/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): Monotosh Das

Respondant(S): "W-O" I Jans

Advocate for the Applicant(S): P.K. Deka, I.H. Laskar, Ms. I. Krishnataiya

Advocate for the Respondant(S): Railway Counsel.

Notes of the Registry,	Date	Order of the Tribunal
This application is in Form is filed/C.F. Fee Rs. 50/- deposited vide IPC/BD No. <u>20.6.158.822</u> Dated <u>6.9.05</u> <u>Meera</u> Dy. Registrar <u>Pat</u> <u>29.9.05</u> Steps taken	12.9.2005	Present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman. The applicant, pursuant to an employment notice No.1/2003, applied for the post of Group 'D' (Trackman) under the respondents. His case is that he had passed the qualifying written examination, physical efficien- cy test and had also appeared before the respondents for document verifica- tion. His grievance is that his name is not seen in the final select list published by the respondents. It is his case that he made a representation dated 22.8.2005 (Annexure-13) before the second respondents on 22.8.2005, but the same was not accepted. It is also stated that the office of the second respondent had ^{was orally} informed the applicant that his name was not inclu- ded in the select list for the reason that there was dissimilarities in the photograph submitted by him in the application form in the year 2003 with that of his recent photograph. The applicant without pursuing the matter before the respondents have approached this Tribunal for direction to the second respondent to appoint him in the Group 'D' post (Trackman).

Contd.

12.9.2005

I have heard Mr.P.K.Deka, learned counsel for the applicant and Mr.J.L.Sarkar, learned counsel for the Railways. I am afraid the reliefs sought for by the applicant cannot be granted in this application. If the reason ~~alleged~~ alleged to have been given by the respondents to the applicant and mentioned above is correct, the respondents ought to have afforded an opportunity to the applicant but that does not mean that the applicant can straightway approach this Tribunal. If the applicant is so advised, he can file a fresh representation before the second respondent within two weeks from today. If any such representation is filed, the same will be disposed of by the second respondent by a speaking order expeditiously.

The O.A. is disposed of with the above observations. The applicant will produce this order before the second respondent along with the representation for compliance.

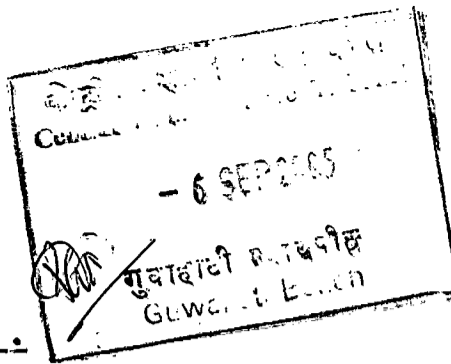
[Signature]
Vice-Chairman

13.9.05

C.C. of the order has been collected by the L/Advocate for the applicant

[Handwritten initials]
14/9

bb



DISTRICT: CACHAR .

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 235 /2005.

Sri Monotosh Das Applicant.

- Versus -

The Union of India & Ors Respondents

LIST OF DATES :

- 1) 12.12.2004 : Applicant appeared in the Written Test for the post of Group-D (Trackman) under Category No. 01 of Employment Notice No. 1/2003 .
- 2) 10.05.2005: After qualifying the Written Test the Respondent No.3 issued a Call letter to the applicant for physical Efficiency Test vide letter No. RRB/G/41/10 .
- 3) 23.06.2005: The applicant appeared in physical Efficiency Test held at Maligaon Railway Stadium, Guwahati .
- 4) 23.06.2005: After successfully qualifying the physical Efficiency Test another Call letter for Document Verification was issued to the applicant by Respondent No.3 , vide letter No. RRB/G/41/10 .

Sri Monotosh Das.

Contd.....

- 5) 24.06.2005: Applicant appeared before the Concerned authority for Document verification with all his Original Certificates, testimonials .
- 6) 06.12.8.05 List of Selected candidates for the said post were published in the Employment News.
- 7) 22.08.2005: Applicant submitted representation to allow him to know the reason for his non-selection in the said list .

Filed by :

Pankaj Kumar Deka
Advocate .

DISTRICT: CACHAR .

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO.

/2005.

Sri Monotosh Das Applicant.

- Versus -

The Union of India & Ors Respondents .

I N D E X

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Date: 6/9/2005

Filed by:

Pankaj Kumar Deka

Advocate .

Sri Monotosh Das.

DISTRICT: CACHAR.

Filed by:-
The Applicant
through:-

Pratikj Kumar Das
Advocate
6/9/2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH .

ORIGINAL APPLICATION NO. /2005.

- BETWEEN -

Sri Monotosh Das ,
S/O Lt. Kirti Ch. Das
R/O- Vill. Barnipar
P.O. Salchapra
P.S. Silchar
Dist. Cachar , Assam .

.....Applicant .

- Versus -

1. Union of India
Represented by the
General Manager , N.F. Railway ,
Law, Maligaon , Guwahati -1, Assam .

2. The Chairman ,
Railway Recruitment Board (RRB) ,
Guwahati , Station Road
Panbazar , Guwahati - 1 .

Contd.....

Sri Monotosh Das.

3. The Assistant Secretary ,
For The Chairman ,
Railway Recruitment Board
Station Road , Guwahati -1 .

4. The Divisional Personal Officer ,
Lumding Division , N.F. Railway
Lumding, Dist.- Nagaon , Assam .

.....Respondents.

DETAILS OF APPLICATION :-

- (a) Name of the Applicant :- Sri Monotosh Das
(b) Name of the Father :- Late Kirti Ch. Das
(c) Age of the Applicant :- About 35 years
(d) Address of the Applicant:- Sri Monotosh Das
S/O Lt. Kirti Ch. Das
R/O Vill.- Barnirpar
P.O. - Salchapra
P.S. - Silchar
Dist.- Cachar , Assam .

Contd.....

Sri Monotosh Das.

REASON FOR WHICH APPLICATION IS MADE :-

The applicant applied for the post of Group-D (Trackman) in the Railway Recruitment Board in the year 2003 , after duly qualifying written Test , Physical Efficiency Test and Document Verification, list of the selected candidates was published in the Employment News dated 6-12 August 2005 by the Respondent Authorities and the applicant's Roll number was not present in the result sheet . Thereafter he made a representation on 22.08.2005 to the Respondent Authorities but they refused to receive the same .

SUBJECT IN BRIEF :-

That the applicant is a qualified candidate and he applied for the post of Group-D (Trackman) under Category No. 01 of the Employment Notice No. 1/2003 advertised by the Railway Recruitment Board in the year 2003. Accordingly the applicant was called for Written Test held on 12.12.04 wherein he appeared and came out successfully . Thereafter the applicant was called for physical Efficiency Test held at Maligaon Railway Stadium , Guwahati on 23.6.2005 and after duly qualifying the said two tests , the applicant was called for Document Verification which is the last formality before appointment and accordingly the applicant appeared before the concerned authorities with all his original Certificates, testimonials atc . Then the list of the selected candidates was published in the Employment News dated 6-12 August 2005

by the Respondent Authorities and the applicant was shocked and surprised when did not find his Roll No. in the said list . Thereafter he made a representation on 22.8.2005 to the Respondent Authorities to know why his Roll number was not present in the result sheet as he submitted all his original certificates . But they refused to receive the same and instead , the Respondent No. 3 informed the applicant verbally that applicant was not selected due to dissimilarity in the photographs submitted by the applicant with the application form in the year 2003 and his recent photograph . Hence being aggrieved, the applicant has approached this Hon'ble Court by filing this original application .

JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal .

LIMITATION :-

The applicant further declares that the present application is within the limitation provided under Section 21 of the Central Administrative Tribunal Act. 1985 .

Contd.....

BRIEF FACTS OF THE CASE :

1. That the applicant is a citizen of India and a permanent resident of Village- Barnirpar , P.O. Salchapra, P.S. Silchar in the District of Cachar , Assam and he is entitled to all the rights, privileges and protections guaranteed under the Constitution of India and the laws framed thereunder .

2. That the applicant being a qualified candidate applied for the post of Group-D (Trackman) under Category No. 01 of Employment Notice No. 1/2003 for Lunding Division in the year 2003 and accordingly qualified the Written Test held on 12.12.2004 .

A Copy of the Admit Card issued to the petitioner is Annexed as Annexure - 1 .

3. That thereafter , the applicant was called for Physical Efficiency Test vide call letter No. RRB/G/41/10 dated 10/05/2005 issued by the Respondent No.3 Assistant Secretary for Chairman , RRB Guwahati wherein the applicant was asked to report at Maligaon Railway Stadium, Guwahati on 23/6/2005 at 06:30 A.M. for the test under the Roll No. 24686652 .

A Copy of the said Call letter dated 10/05/2005 is annexed as Annexure-2.

Contd.....

4. That thereafter the applicant appeared before the Concerned authorities as per the venue and time given to him in the call letter dated 10/5/05 for the physical Efficiency Test and he also came out successfully in the test .

5. That subsequently , Call letter was issued to the applicant for Document verification vide letter No.RRB/G/41/10 dated 23/06/2005 issued by the Respondent No. 3 and through that letter the applicant was asked to attend the Office of the Railway Recruitment Board , Station Road , Guwahati -1 on 24/6/2005 at 10.00 A.M. for verification of Original Certificates , testimonials etc. as he had qualified the Written as well as Physical Efficiency Test .

A Copy of the said Call letter dated 23/06/2005 is annexed as Annexure -3 .

6. That thereafter the applicant attended the Office of the Respondent authorities on 24.6.2005 at 10.00 A.M. alongwith all his original Certificates , testimonials etc. since that was the last stage prior to appointment as because the applicant had already qualified the Written Test as well as Physical Efficiency Test . The stage of Document verification is only a formality and if Certificates and testimonials as submitted by the applicant earlier are found to be true after comparison with that of his originals , then there can not be any ground for deprivation of the applicant for getting selected for appointment .

7. That to the utter shock and surprise to the applicant , the result was finally published in the Employment News dated 6-12 August . 2005 wherein the

Sri Monotosh Das.

applicant's Roll No. 24686652 was not present whereas altogether 2670 numbers of candidates have been provisionally found eligible for appointment .

8. That thereafter the applicant submitted representation dated 22/8/2005 to the Respondent No. 2 praying for allowing him to know on what ground he was not selected for appointment at this final stage but most unfortunately his representation was not even received by the Office of the Respondent No.2 . Instead , the Respondent No.3 verbally informed the ~~petitioner~~ applicant on 22/8/2005 the reason for his non- selection was due to the dissimilarity in the photograph submitted by him in the application form in the year 2003 with that of his recent photograph .

A Copy of the said representation dated 22/8/2005 is annexed as Annexure - 4 .

9. That the applicant's Fundamental Rights have been violated by the Respondent authorities on extraneous considerations by illegally depriving him for the post of Group -D (Trackman) under Category No. 01 of Employment Notice No. 1/2003 .

10. That the selected candidates will be issued appointment letters soon and as such urgent interference Of this Hon'ble Court is sought for in the matter so that the applicant also get appointment alongwith the other candidates .

11. That the applicant has no other alternative and/or efficacious remedy and the remedy prayed for is just , adequate and proper .

Sri Monotosh Das .

12. That the applicant has demanded justice and the same was denied to him .

13. RELIEFS SOUGHT FOR :-

In view of the facts mentioned above , the applicant prays for the following reliefs :-

- (a) To direct the concerned Respondent Authorities to appoint the applicant for the post of Group - D (Trackman)
- (b) Any order / orders or direction as Your Lordships may deem fit and proper and in accordance with law in order to give full relief to the applicant .

And for this act of kindness, Your applicant as in duty bound shall ever pray .

14. LIST OF ENCLOSURES :-

- (a) A copy of the Admit Card
- (b) A Copy of the Call letter for Physical Efficiency Test.
- (c) A copy of the Call letter for Document Verification .
- (d) A Copy of the representation made by the applicant to the Chairman , Railway Recruitment Board , dated 22.8.2005 .

15. DETAILS OF POSTAL ORDERS:-

Postal Order No. : 20 Cr 158822
Date of issue : 6/9/05
Issued from :
Payable at : *Cranthasi* .

.....Verification..

Sri Monotosh Das .

: V E R I F I C A T I O N :

I, Sri Monotosh Das , aged about 35 years , S/O -
Late Kirti Ch. Das , Resident of Village.- Barnirpar ,
P.O.- Salchapra , P.S.- Silchar , Dist.- Cachar, Assam,
do hereby verify that the contents of Paragraph No.s
1, 4, 6, 7, 9 to 12 of the application are true
to my personal knowledge and the contents of Paragraphs
No. 2, 3, 5 & 8 are matters of records , which
I believe to be true and correct and the rest are my humble
prayer and submissions before this Hon'ble Tribunal .

And I sign this Verification on this the 6th day
of September , 2005 at Guwahati .

Date :- 6/9/2005

Sri Monotosh Das.

Place :- Guwahati

Signature of the Applicant .

ANNEXURE - 1

- 10 - 15

Tear off along this line and retain for your record

RAILWAY RECRUITMENT BOARD, COCHIN

Name of the Candidate & Address	Roll No. & R.N. No	Roll No	Date of Examination
MONOTOSH DAS PO DALCHAPRA VILL BARNIPRA DIST COCHIN ASSAM	1 of 1/2003	24000002	12 - 12 - 2004

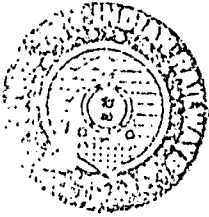
Read and follow the "Instructions" enclosed.
CANDIDATES WHO TICK MARK ANSWERS ON
DIRECTION BOOKLET WILL BE DISQUALIFIED.

RAILWAY PASSES
K/ST CANDIDATES ONLY: On production of this letter you are entitled to free travel by railway in second class only

SALCHAPRA Station to SILCHAR On and back

Pass is available upto **22/12/2004** (Authority: Railway Board's letter No. E (NG) II-84/RSC/122 dtd 23-11-84)

*Certified to be True Copy
Smt. Jyoti M. Deka
Assistant
6/9/2005*



RAILWAY RECRUITMENT BOARD - GUWAHATI
STATION ROAD, GUWAHATI-781 001

CALL LETTER FOR PHYSICAL EFFICIENCY TEST

No. RRB/G/4/1/10.

Date: 10/05/2005

To,
MONOTOSH DAS
PO SALCHAPRA
VILL. BARNIRPA
CACHAR
DIST CACHAR ASSAM Pin - 788814.

By REGISTERED POST

Roll No.: **24686652**

* IMPORTANT *
PASTE YOUR
RECENT SIGNED
PHOTOGRAPH
HERE

Sub.: Recruitment/Selection for the post of Group - D under
Category No.01 of Employment Notice No. 1/2003.

With reference to your application for the post mentioned above, in response to the
Employment Notice cited, you are hereby advised to report at Maligaon Railway Stadium, on
23/06/2005 at 06:30 A.M. for Physical Efficiency Test.

Criteria for Physical Efficiency Test:

Male Candidate: (i) Should be able to lift and carry 35 kg of weight for a distance of 100 meters in 2
minutes in one chance without pulling the weight down, and (ii) Should be able to run for a distance of
1500 meters in 7 minutes in one chance.

Female Candidate: (i) Should be able to lift and carry 20 kg of weight for a distance of 100 meters in 2
minutes in one chance without pulling the weight down, and (ii) Should be able to run for a distance of
400 meters in 4 minutes in one chance.

1. This Call Letter does not in itself entitle you for selection.
2. You are directed to bring your own sports kit (dress, shoes etc.) required for the Physical Efficiency Test.
3. Result of the Physical Efficiency Test will be declared on the same day and those who qualify in the Physical
Efficiency Test will be required to report to office of the Railway Recruitment Board, Station Road, Guwahati -1, on
the next day at 10:00 A.M. for Document Verification.
4. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of
your date of birth, educational qualification etc. You should also bring all of your original certificates and marks-sheets
of Matriculation and onwards issued by the respective Board/Council/University along with experience and other
certificates, caste certificate, if any. If the originals of above certificates/marks-sheets, have not been received from
respective Board/Council/University, then provisional pass certificate and marks-sheets issued by the respective
Board/Council/University should be produced.
5. You are also directed to bring the Attested Photostal copies of all original certificates and marks-sheets and other
certificates along with the originals.
6. You may be subjected to re-examination during the process of verification of documents etc. and you should
come prepared for the same.
7. Your attendance may be required for more than one day (i.e. date as mentioned above) and you should come
prepared for that.
8. Request for postponement of the date mentioned above will not be considered and no further chance will be
given.
9. If you are in service please bring "No Objection Certificate" from your employer, failing which you will not be
considered for the post.
10. Approaching Chairman, RRB and/or his Secretary directly or indirectly by a candidate or anybody on his/her behalf
requesting undue consideration for the recruitment will render a candidate liable for disqualification.
11. (For SC/ST candidates only) -
On production of this letter you are entitled to travel free by the Railway in Second Class from SALCHAPRA Station
to GUWAHATI Station and back. This pass will be valid up to 03/07/2005
(Authority: Railway Board's letter no. E(NG)II-84/RSC/122, dated 23/11/84).

*Certified to be true copy
Prady Kumar Deka
Dehracent
6/9/05*

ATTESTED BY

Junior Engineer P.W.D.
Silchar Rural Road ion
SILCHAR - 88001.

ASSISTANT SECRETARY
For CHAIRMAN, RRB - GUWAHATI

Annexure - 3

-12- 18



RAILWAY RECRUITMENT BOARD – GUWAHATI
STATION ROAD; GUWAHATI-781 001

CALL LETTER for DOCUMENT VERIFICATION

No. RRB/G/41/10.

Date: 23/06/2005

To,
MONOTOSH DAS
PO SALCHAPRA
VILL BARNIRPA
CACHAR
DIST CACHAR ASSAM Pin - 788814.



Roll No.: **24686652**

Sub.: Recruitment/Selection for the post of Group – D
under Category No.01 of Employment Notice No. 1/2003.

As you have qualified in the Physical Efficiency Test, you are hereby advised to attend the office of Railway Recruitment Board, Station Road, Guwahati-781001, Assam, on 24/06/2005 at 10:00 A.M. for verification of original certificates, testimonials etc.

1. This Call Letter does not in itself entitle you for selection.
2. You should bring your original VIII Standard or above Certificate issued by the competent authority for verification of your date of birth, educational qualification etc. You should also bring all of your original certificates and marks-sheets of Matriculation and onwards issued by the respective Board/Council/University along with experience and other certificates, caste certificate, if any. If the originals of above certificates/marks-sheets have not been received from respective Board/Council/University, then provisional pass certificate and marks-sheets issued by the respective Board/Council/University should be produced.
3. You are also directed to bring the Attested Photostal copies of all original certificates and marks-sheets and other certificates along with the originals.
4. You may be subjected to re-examination during the process of verification of documents etc. and you should come prepared for the same.
5. Your attendance may be required for more than one day (i.e. date as mentioned above) and you should come prepared for that.
6. Request for postponement of the date / venue mentioned above will not be considered and no further chance will be given.
7. If you are in service please bring "No Objection Certificate" from your employer, failing which you will not be considered for the post.
8. Approaching Chairman, RRB and/or his Secretary directly or indirectly by a candidate or anybody on his/her behalf requesting undue consideration for the recruitment will render a candidate liable for disqualification.
9. (For SC/ST candidates only)
On production of this letter you are entitled to travel free by the Railway in Second Class from SALCHAPRA Station to GUWAHATI Station and back. This pass will be valid up to 03/07/2005.
(Authority: Railway Board's letter no. E(NG)II-84/RSC/122, dated 23/11/84).

*certified to be true copy
Pratik Kumar Deka
Assistant
6/9/2005*

ATTESTED BY
[Signature]
18/8/05
Div 1 SGT
CACHAR ASSAM

[Signature]
ASSISTANT SECRETARY
For CHAIRMAN, RRB – GUWAHATI

ANNEXURE-4

- 13 -
A

The Chairman,
Railway Recruitment Board,
Station Road, Guwahati - 1.

Subj: PLEASE BE ADVISED THAT I AM NOW BEING INFORMED OF
non-selection to the post of Group-D under
Category No. 01 of Employment Notice No. 1/2003.

Respected Sir,

It is to bring forth to Your kind notice that I
qualified in the Selection for the post of Group-D under
Category No. 01 of Employment notice No. 1/2003. That after
passing the Written Exam, I was called for physical Effici-
ency test under Roll. No. 24686652 on 23/6/05 at 6.30 A.M.
and I also qualified in the same and thereby was called for
Document verification on 24/06/2005 at 10 A.M.

That, thereafter, the declaration of the result I
was very much taken aback when I found that my Roll No. was
not there in the result sheet. It is a matter of grave con-
cern as to why my name (Roll No.) was not published.

Therefore Sir, it is prayed to you to let me know
why my Roll. No. was not there in the result sheet since
I have produced before you all my original testimonials and
documents to your satisfaction as asked by your goodself.

Thanking you

Dated,
The 22nd Aug/2005

Yours faithfully,
Sri Monotosh Das.
(Sri Monotosh Das)
Roll No. 24686652

Address for Communication:
MONOTOSH DAS,
P.O. SALCHAPRA,
VILL. BARIKPAR,
DIST. CACHAR, ASSAM.
PIN - 788014

*Certified to be true copy
Sri Monotosh Das
6/9/2005*