

Central Administrative Tribunal
Jabalpur Bench

OA No.270/05

Indore, this the 18th day of August 2005.

C O R A M

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Suresh Kumar Meena
S/o Shri Ram Sahai Meena
R/o Village Kotawali Ka Bas
Post Gurha
Ashikpur Tehsil Baswa
District Dausa (Rajasthan)

Applicant

(By advocate Shri L.S.Rajput)

Versus

1. Union of India through
General Manager
West Central Railway
Indira Market
Near Railway Station
Jabalpur.
2. Secretary
Railway Recruitment Board Bhopal
East Railway Colony
Bhopal.

Respondents.

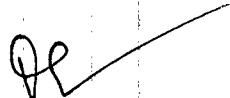
(By advocate Shri M.N.Banerjee)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

- (i) Direct the respondents to give appointment to the applicant on the post of Khalasi/Helper II by quashing the impugned letter dated 28.7.2004 with all consequential benefits.



(ii) Direct the respondents to verify the candidature of the applicant and get the shortcomings corrected if any and offer appointment as per result Annexure A5.

2. The brief facts of the case are that the applicant who belongs to ST community applied for the post of Khalasi/Helper-II in pursuance to notification published in Rozgar Samachr dated 28th June-4th July 2003. He was called for a written examination, which was held on 9.11.2003, and he qualified. Thereafter he was called for a physical test, which he cleared successfully. As directed by respondent No.2, all the original papers/documents were submitted by the applicant for verification and on verification the documents were found in order. The result was published on 7.7.2004 with the remark that the result of the applicant was withheld for verification of candidature, which was already done on 18.6.2004 and 19.6.2004. Thereafter, vide impugned order dated 28.7.2004 (Annexure A1) the candidature of the applicant was cancelled on the ground that column No.6 was not filled in the application form and the signature of the applicant was in capital letters in English. The applicant signed the application form in Hindi with capital letters in English. Aggrieved by the cancellation of his candidature, the applicant filed an OA No.345/04 before Jaipur Bench of the CAT. The above OA was dismissed as not maintainable for want of jurisdiction. Hence this OA is filed before this Bench of the Tribunal.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the action of the respondents is arbitrary, illegal and unjustified because the shortcomings in the application forms were already removed on 18/19.6.2004 as desired by the respondents. Cancellation of candidature of the applicant without any notice is liable to be quashed. Having been declared successful in written test and physical test, the documents were also verified, which were found correct as admitted by the respondents. The applicant belongs to ST community and facing unemployment and denial of appointment after being declared successful will be nothing more than denial of justice



to him. Learned counsel has submitted that the respondents have not produced the original application form as directed by the Tribunal.

4. In reply, learned counsel for the respondents argued that during verification it was found that application submitted by the applicant was not complete in as much as in para 6 of the application, he has not made the declaration in his own hand writing whereas in the notification it has been mentioned that non filling of the declaration in candidate's own hand writing shall invalidate the application. The applicant has left the para 6 blank. Moreover, the applicant had signed in the application in capital letters in English. The shortcomings are not correctable at any later stage and as such the candidature of the applicant has been correctly cancelled.

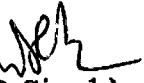
5. After hearing the learned counsel for both parties and perusing the records, we find that admittedly the applicant has succeeded in the written test and the physical test conducted by the respondents and he has submitted the original documents on 18.6.2004. All original certificates were found correct. It is argued on behalf of the respondents that the application form was not filled up in his own handwriting and column No. 6 was left blank and the applicant put his signature in capital letters in English. We have perused the application form D2. In this form, the applicant has signed in Hindi and also in capital letters in English. In the application form, there are two columns – one in Hindi and the other in English. Apparently it seems to be no mistake ~~or mistake~~ on the part of the applicant. If he has signed in capital letters in English also in form D2 because he has signed in Hindi also. So far as column 6 is concerned, it is argued on behalf of the respondents that it was left blank by the applicant while it is argued on behalf of the applicant that the said form was in English and this column was filled up on 18.6.2004 at Bhopal when the applicant was asked to produce the original certificates and to correct any shortcomings if any in the application form. This fact is not specifically denied in the reply filed on behalf of the respondents. We have perused the rejoinder filed on behalf of the applicant. In the

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rejoinder, the applicant has mentioned that the respondents may be directed to produce the original application for kind perusal of the Tribunal but the respondent have not filed the original application form while this rejoinder was filed on 15.5.2005. The respondents could have easily filed the original application form because it was in their custody and it is the bone of contention according to both parties.

6. Considering all facts and circumstances of the case, we are of the considered opinion that the OA is liable to succeed. Hence the impugned order dated 28.7.2004 (Annexure A1) is quashed and set aside and the respondents are directed to consider the case of the applicant for appointment according to rules within a period of two months from the date of receipt of a copy of this order. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

aa.

पृष्ठांकन सं. ओ/व्या..... जवलपुर, दि.....
प्रतिनिर्दिष्ट अध. ८१(२) :-

- (1) सचिव, उच्च व्यापालय दर एवं विभाग, जवलपुर
- (2) आवेदक श्री/श्रीना., जवलपुर
- (3) पत्न्यर्थी श्री/श्री वि., जवलपुर
- (4) व्यवाल, दोस्ता, जातु, कानूनी
सूचना एवं आवश्यक चारोंका हेतु १८०

L.S. Report Adr. 205
M.N. Bawali
Dated 2005

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कृपया रजिस्ट्रर


29/8/05