

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 438 of 2002

Jabalpur, this the 15th day of June, 2004

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

Manish Mohan Saxena, aged about 38
years, S/o. Shri L.S. Saxena, Ex-
Serviceman, residing at H.No. 33/17-A,
Lohiya Nagar, Balkeshwar Colony,
Agra (UP). Applicant

(By Advocate - Shri Sudeep Deb on behalf of Shri Anil Khare)

V e r s u s

1. Union of India, through Secretary,
Ministry of Railway, Railway Board,
Rail Bhawan, New Delhi.
2. The Chairman, Railway Recruitment
Board, Bhopal (MP). Respondents

(By Advocate - Shri M.B. Srivastava)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has
claimed the following main reliefs :

"(a) to direct the respondent No. 2 to produce the
notification pertaining to the extension of the last
date as 9.7.2001.. . .

(b) to quash the letter No. Re.Bha.Bo./BPL/1-2001/
Patra/224, dated 2.2.2002 (Annexure A-1) by a writ in
the nature of certiorari.

(c) to direct the respondent No. 2 to appoint the
applicant on the post of Assistant Driver (Electrical
and Diesel) and to give him all consequential benefits."

2. The brief facts of the case are that the respondents
i.e. Railway Recruitment Board, Bhopal has advertised certain
number of posts for making selection, including the post of
Assistant Driver (Electrical & Diesel). The last date
prescribed for submission of the applications was 9th April
2001. Later on, Railway Recruitment Board, Bhopal has extended
the last date of submission of the applications for the
candidates who have undergone Apprenticeship training under

Trade Apprentice Act, 1961 as they were to be given age relaxation equivalent to their training period subject to maximum age of 35. It was clearly mentioned in the corrigendum issued on 22.5.2001 that such Act Apprentices who could not apply for the post of Skilled Artisan Grade-III and Assistant Driver (Elect./Diesel), due to age limitation, may now apply on or before 9.7.2001. The applicant belongs to the category of Ex-Serviceman and has applied for the post of Assistant Driver during the extended period for submission of the applications for Act Apprentices. The applicant has qualified in the written test and psychological test. When the candidates were called for submitting the documents for verification and vision test, which is a part of the recruitment process, it was detected that the applicant has submitted his application on 1st July, 2001, in response to the corrigendum dated 22.5.2001. This corrigendum was issued only to extend the date of submission of the applications from Act Apprentices and as the applicant belongs to Ex-Serviceman category, the same benefit was not applicable for him and his candidature was cancelled. Aggrieved by this the applicant has filed this Original Application challenging the letter of the Railway Recruitment Board, Bhopal dated 2nd February, 2002, whereby his candidature has been cancelled by the respondents.

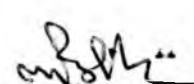
3. Heard the learned counsel for the parties and perused the records carefully.

4. We find that the last date for submission of the applications for various posts notified by the Railway Recruitment Board, Bhopal was 9th April, 2001. It was only in the case of Act Apprentices, where age relaxation equivalent to training period is required to be given, the last date of submission of the applications ^{was} ~~from these candidates were~~

extended to 9.7.2001. The applicant belongs to Ex-Serviceman category and he was therefore, required to submit his application before 9th April, 2001. Since the applicant has not applied before the closing date i.e. 9th April, 2001 and this fact could not be detected by the respondents before the applicant was allowed to appear in the examination, his candidature has been cancelled. The applicant appeared in the examination and passed the written test/psychological test. The mistake was detected by the Railway Recruitment Board, Bhopal only when the applicant was asked to furnish the documents for its verification and for vision test. Hence the respondents have rightly cancelled the candidature of the applicant. We therefore, do not find any illegality in the letter issued by the respondents on 2nd February, 2002, cancelling the candidature of the applicant. However, before we part, we may observe that this is a very hard case and requires sympathetic consideration as the applicant has qualified the selection for the post of Assistant Driver.

5. We, therefore, direct the applicant to file a detailed representation to the respondents in this regard within a period of four weeks from the date of receipt of copy of this order. If the applicant complies with this, the respondents are directed to consider the case of the applicant sympathetically by passing/speaking a detailed and reasoned order within a period of three months from the date of receipt of such representation, in accordance with rules and law. Accordingly, the Original Application stands disposed of. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman