

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 25th day of January, 2011

ORIGINAL APPLICATION NO. 121/2009

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Ajit Kumar (Ajith Kumar) son of Shri Radha Krishana Pillai, aged about 25 years, resident of Plot No. 20, Gayatri Nagar-A, Pratap Nagar, Sanganer, Jaipur (Rajasthan)

.....Applicant

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General Manager, North Western Raiway, Hasanpura Road, Jaipur.
2. Chairman, Railway Recruitment Board, Ajmer.

.....Respondents

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following relief:-

"(i) the respondents letter dated 16.02.2009 (A/1) may be declared arbitrary, capricious and bad law vide which the candidature of the applicant was rejected.

(ii) the respondents may be directed to consider the applicant for the post of Assistant Loco Pilot for the applicant is duly qualified in written examination having proper certificates issued by the competent authority.

(iii) they may be further directed to impart the suitable training to the applicant as per rules in vogue.

(iv) Cost of the OA may also be awarded in favour of the applicant.

(v) Any other directions and orders, which are deemed proper in the facts and circumstances of the case may kindly be allowed to the applicant."

2. The grievance of the applicant is that his candidature has been rejected arbitrarily solely on the ground that there is discrepancy in his name as reflected in the Secondary School Certificate and application form submitted by him for the post of Diesel Assistant Loco Pilot. It has been stated that such discrepancy was of no consequence. The applicant has also filed an Affidavit (Annexure A/8) to the effect that he had passed the Secondary School Examination in the year 1998 from the Board of Public Examination, Kerala and Senior Secondary Examination in the year 2000 from the Board of Secondary Education, Ajmer and his name has been recorded in the said certificates as 'Ajith Kumar R.', which is his actual name. The applicant has also annexed another document issued by the Tehsildar at Page No. 24 of the Paper Book thereby certifying that his name is 'Ajith Kumar R.' and 'Ajit Kumar' of the above address are one and the same person.

3. When the matter was listed on 13.04.2009, this Tribunal while issuing the notices had passed the following order:-

"Issue notices to the respondents returnable within a period of two weeks. The service of notice on the respondents will be effected by the applicant through Hum Dust/Speed Post within three days and submit proof thereof in the Registry within seven days. The respondents are directed to file reply to the interim prayer of the applicant within ten days.

Let the matter be listed on 27.04.2009.

Heard the learned counsel for the applicant.

Learned counsel for the applicant submits that the candidature of the applicant has been cancelled simply on the ground that there is a typographical mistake in his name. It is further stated that this fact was brought to the notice of the appropriate authority alongwith certificate issued by the Gazetted Officer, despite that his candidature has been cancelled.

We have given due consideration to the submission made by the learned counsel for the applicant. We are

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of the view that the applicant has made out a prima-facie case for the grant of interim relief. Accordingly, the respondents are directed to keep one post of Assistant Loco Pilot vacant till the next date."

4. Notice of this application was given to the respondents. The respondents have filed their reply. The reasons given by the respondents for canceling the candidature of the applicant was that the name of the applicant as indicated in the Application Form submitted by him is not the same as reflected in the Secondary School Examination.

5. When the matter was listed on 29.09.2009, this Tribunal had passed the following order:-

"The candidature of the applicant has been rejected by the respondents solely on the ground that there is discrepancy in the name of the applicant, as rejected in the Secondary Certificate and application submitted by the applicant for the purpose of selection on the post of Diesel Assistant. From the material placed on record, it is evident that while undertaking the test, the applicant has appended thumb impression in the document (Annexure R/3). Prima facie, we are of the view that the matter in controversy can be sorted out by taking the thumb impression of the applicant and comparing the said thumb impression viz-a-viz Annexure R/3.

Let the matter be listed on 29.10.2009 on which date learned counsel for the respondents will seek instructions on this aspect. The applicant may also file rejoinder, if any.

CC to the learned counsel for the respondents."

6. Despite number of opportunities given to the respondents, the respondents have neither filed any affidavit regarding the identity of the applicant nor it has been indicated that they are willing to take steps in the light of the order dated 29.09.2009.

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7. We have heard the learned counsel for the parties and have gone through the material placed on record. We are of the view that in view of the material placed on record, the rejection of candidature of the applicant on account of typographical mistake in the application form is without any basis. Accordingly, the impugned order dated 16.02.2009 (Annexure A/1) is quashed. The respondents are directed to give appointment to the applicant on the post of Assistant Loco Pilot, which was ordered to be kept vacant vide order dated 13.04.2009, within a period of four weeks from the date of receipt of a copy of this order, subject to all other codal formalities. Such appointment on the aforesaid post will be made prospectively.

8. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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