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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

12.07.2011

OA No. 517/2009

Mr. V.K.Mathur, Counsel for applicant.
None present for respondents.

Put up on 03.08.2011.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

AHQ

K. S. Rathore
(Justice K.S. Rathore)
MEMBER (J)

38.2011
Mr. V.K. Mathur, Counsel for applicant.
Mr. N.C. Goyal, Counsel for respondents
Heard. The OA is disposed of
by a separate order.

Anil Kumar
(Anil Kumar)
M(A)

K. S. Rathore
(Justice K.S. Rathore)
M(J)

3000/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 3rd day of August, 2011

OA No. 517/2009

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Vijay Kumar Tripathi
s/o Shri Vivek Chandra Sharma (Tripathi),
r/o Gurudwara Road,
Ashok Vihar Colony,
Dholpur, Rajasthan.

... Applicant

(By Advocate : Shri V.K.Mathur)

Versus

1. Union of India
through General Manager,
North Western Railway,
Churchgate,
Mumbai.
2. Railway Recruitment Board,
Ajmer through its Chairman,
2010, Nehru Marg,
Nehru Marg, Near Ambedkar Circle,
Ajmer, Rajasthan.

... Respondents

(By Advocate : Shri N.C.Goyal)

ORDER (ORAL)

This is second round of litigation. Earlier the applicant filed OA No. 59/2009 praying that the impugned order dated 21.2.2008 (Ann.A/1) and order dated 3.3.2008 (Ann.A/2) may be quashed and direction may be given to the respondents to declare result of the applicant. This Tribunal directed the respondents to decide representation of the applicant within a period of two months from the date of receipt of copy of the order by passing a reasoned and speaking order. A liberty was also given to the applicant to redress his grievances by filing a substantive OA.

2. Since vide Ann.A/1 representation of the applicant pursuant to the direction given by this Tribunal vide its order dated 4.3.2009 has been decided by reasoned and speaking order rejecting his representation, therefore, the present OA has been preferred by the applicant.

3. Brief facts of the case are that the applicant applied pursuant to the advertisement issued in Employment News dated 17-23 March, 2007 for appointment to the post of Junior Engineer-II and was declared successful in the examination. He was asked to appear in person along with his original documents for verification before the Railway Recruitment Board on 16.1.2008 and the applicant submitted original documents. Vide letter dated 21.1.2008 (Ann.A/1A) the



applicant was informed that he mentioned surname of his father in the application form as 'Sharma' whereas in the documents surname of his father is 'Tripathi'. Therefore, result has been withheld and he was asked to get the documents corrected/amended from the competent authority and submit duly corrected documents within a period of one month, otherwise, his candidature for the selection will be cancelled. Since the applicant has not submitted any corrected documents and in view of the directions given by this Tribunal representation of the applicant has been considered and candidature of the applicant has been rejected vide impugned order dated 5.5.2009 (Ann.A/1).

4. It is not disputed that in the educational certificates surname of father of the applicant is mentioned as "Tripathi" whereas in the application form submitted before the Railway Recruitment Board, surname of his father is 'Sharma'. The learned counsel for the applicant demonstrated that basic caste is 'Sharma' and 'Tripathi' is only sub-caste and father of the applicant sometimes use word 'Sharma' and sometimes 'Tripathi'. Therefore, his case should be sympathetically considered and respondents may be directed to consider his case in lieu of the selection conducted pursuant to the advertisement issued in Employment News dated 17-23.3.2007 and further prayed that the impugned order be quashed and



set-aside to the extent that the applicant was debarred from appearing in future examinations to be conducted by the Railway Recruitment Board.

5. Be that as it may, having considered the controversy involved in this OA, it is not disputed that in the educational certificates surname of father of the applicant is mentioned as 'Tripathi' whereas in the application form as well as in the bonafide resident certificate issued by the competent authority surname of his father is mentioned as 'Sharma'.

6. In our considered view, it will serve the purpose of the applicant if he applies for correction in the educational certificates issued by the authority concerned and corrected certificates be submitted before the respondents. Since the respondents have already granted one month's time for correction/amendment of the documents but the applicant failed to do so, as such, in the interest of justice, we extend further opportunity to the applicant and provide one month's time to get it corrected from the authority concerned and submit before the respondents. In such eventuality, the respondents are directed to consider case of the applicant as stated at Bar that still the aforesaid posts are lying vacant and if it is so, the case of the applicant be considered in the light of the corrected/amended documents.



7. With these observations, the OA stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K.S.Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/