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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00992/2014

Date of Decision : 28.4.2015.

Reserved on: 22.04.2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

1. Sanjeet Kumar, aged 32 years, son of late Sh. Manji Lal Yadav, presently working as Technician-III, Western Railway, O/o SSE/TMC/BRC, Vadodara, D Cabin Navayard Vadodara (Gujarat), resident of Village MOH Simili Pandriva Chhoti Mandir P.O. Madhav Mills Patna City Patna Bihar-800008.
2. Raman Kumar s/o Sh. Rajniti Prasad, presently working as Gatnon O/o SSE/Railway (North) Jaipur, Loco Colony, Jaipur, r/o Nagarnausa P.O. Nagarnausa District Nalanda Bihar-801305.

Applicants

Versus

1. Union of India through General Manager (P), Northern Railway, Baroda House, New Delhi.
2. Railway Recruitment Board, S.C.O. No.34, Sector 7-C, Chandigarh-160019 through its Secretary.

Respondents

Present: Mr. Parveen Kumar, proxy for Mr. R.K. Sharma, counsel for the applicants

Mr. Yogesh Putney, counsel for the respondents

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

"8 Quash order No.RRB/CDG/DEBAR/2013 dated 07.07.2014, passed by respondent no.2 (Annexure A-1 and A-2), whereby the candidature of the applicants for the post of NTPC

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(Graduate) categories notified in CEN-03/2012 has been cancelled and they have been debarred for two years from appearing in all the RRB examinations from appointment in Railways w.e.f. 12.06.2012 to 11.06.2014 for reason that the applicants are held responsible for suppressing the fact of being a Government Employee for securing the eligibility for NTPC Categories of CEN-03/2012 under clause 14 of CEN-03/2012 and quashing thereof.

- (ii) Issuance of directions to the respondents to declare result of the applicants, in terms of advertisement and Recruitment Rules, which was declared on 25.08.2014 for the posts of Commercial Apprentice category no.1, Transport Apprentice Category No.2, Goods Guard Category No.4, LDC Category No.5, UDC category no.6, Assistant Station Master, category no.7 and other categories (Annexure A-3)."

2. The background of the matter is that the Railway Recruitment Board, Chandigarh, Jammu and Srinagar advertised 414 posts through Centralized Employment Notice No.03/2012, dated 14.05.2012 against which the applicants applied. The copies of the advertisement and application form have been annexed as Annexure A-4 and A-5 respectively. The applicants appeared for the first written examination held on 02.12.2012, 2nd written main examination held on 18.08.2013, Aptitude test held on 06.01.2014 and the typing test held on 15.01.2014. After they cleared these, respondent no.2 issued letter to the applicants for documents verification dated 06.03.2014 (Annexure A-15/16). After verification of the documents, the applicants were declared successful under Roll Nos.14029476 & 14030538 (Annexure A-17). After the declaration of the result of verification the applicants submitted their individual NOCs to the department vide memo no.E/E1140/5/19(NOC)

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Vol.V dated 11.03.2014 by applicant no.1 and vide letter no.E/840/2/AEN/L/JP dated 21.03.2014 by applicant no.2. Copy of NOC of applicant no.1, dated 11.03.2014 is annexed as Annexure A-18 and copy of NOC of applicant no.2 dated 21.03.2014 is annexed as Annexure A-19.

3. However, after expiry of a period of one year, ten months and 2 days from the date when NOC was submitted a show cause notice was issued to the applicants on 19.06.2014 vide letter no.RRB/CDG/DEBAR/2013, dated 19.06.2014 by respondent no.2, with clause that you were called for the Candidature and Documents Verification fixed on 21.03.2014. During scrutiny of your documents it is found that at the time of submission of application i.e. 28.05.2012 for the post of NTPC (Graduate) categories of CEN-03/2012, you were a Govt. employee as Khalasi/Trade man but you deliberately suppressed this fact in your application form and to explain as to why your candidature should not be disqualified and why you should not be debarred for two years as per clause 14 of CEN-03/2012 for deliberate suppression of facts and reply for the same must reach respondent no.2 by 30.06.2014. Copy of the show cause notice issued to the applicant no.1 dated 19.06.2014 is annexed as Annexure A-20 and that issued to applicant no.2 dated 12.06.2014 is at Annexure A-23. The applicants submitted the reply to the show cause notices on 30.06.2014 to respondent no.2 that due to lack of


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knowledge and human error the column of the applications was filled with wrong information / remained blank (Annexure A-21 and A-22). However, the respondents had passed the impugned order dated 07.07.2014 (Annexure A1 / A-2) debarring the applicants for two years from appearing in all RRB examinations w.e.f. 12.06.2012 to 11.06.2014 and cancelling their candidature for the posts of NTPC (Graduate) notified in CEN-03/2012. Hence, this OA.

4. In the written statement filed on behalf of the respondents, the facts of the matter have not been disputed. It has further been stated that both the applicants submitted their applications in response to the Centralized Employment Notification No.03/2012. The applications were to be submitted strictly in accordance with the instructions / condition of the Centralized Employment Notification No.03/2012 and any deviation would lead to action in accordance with the conditions of the Centralized Employment Notification No.03/2012 (Annexure R-1). The applicants were called for documents verification when it was noticed that both the applicants are in employment i.e. applicant no.1 is working since 27.04.2007 in the controlling unit of Indian Railways and applicant no.2 working since 25.08.2008, whereas both the applicants suppressed this fact while filling application in item no.10 of the application (Annexure-I). Copies of applications are annexed as Annexure R-2 and R-3. This act on the part of the applicants called for action in accordance with the condition

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no.14 of the Centralized Employment Notification no.03/2012 (Annexure R-1) and the same was taken by applying principles of natural justice by affording opportunity of being heard to the applicants and during the course of proceedings, both the applicants admitted the factum of suppression of material information regarding their employment. Accordingly, both the applicants were debarred for two years from appearing in all RRB examinations for appointment in Railways w.e.f. 12.06.2012 to 11.06.2014, besides cancellation of candidature for the post of NTPC (Graduate) categories notified in Centralized Employment Notification no.03/2012 (Annexure R-1). Thus, the impugned order cannot be said to be either in violation of principles of natural justice or the conditions / instructions notified in the Centralized Employment Notification NO.03/2012 (Annexure R-1). Still further, having accepted their guilt, there cannot be any claim on the part of the applicants for eligibility as the case pertains to open competitive selection process and violation of any instruction published in Centralized Employment Notification no.03/2012 (Annexure R-1) cannot be accepted in such cases. Hence the OA deserves to be dismissed.

5. Arguments advanced by the learned counsel for the parties were heard when learned counsel reiterated the content of the OA, rejoinder and written statement respectively. 

6. We have given our careful consideration to the matter. It is evident from the material on record that both the applicants had not filled their application forms properly. In the application filed by applicant no.1 he had ticked the box 'no' regarding whether he was a government employee and had not filled item no.8 regarding present employment. It is admitted by applicant no.1 himself that he was in the service of Railways on the date when he filed the application form (Annexure R-2) in response to CEN-03/2012. Regarding applicant no.2 it is seen that he also had stated that he was not a government employee and he had also not filled item no.8 regarding his present employment. Hence his declaration is also seen to be false. Since the applicants had not filled their application forms accurately and the declarations signed by them are also incorrect, the impugned orders passed by the RRB cannot be faulted. Hence, we see no reason to interfere with the order dated 07.07.2014 (Annexure A-1) in respect of applicant no.1 and order dated 07.07.2014 (Annexure A-2) in respect of applicant no.2. The OA is rejected.

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh

Dated: 28.4.2015

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