

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-1591/2017

New Delhi this the 9th day of May, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Rahul Kumar, 28 years
S/o Sh. Rishi Pal,
R/o Village-Shahajuddi,
P.O.-SHORO, P.S.-Shahapur,
Distt. Muzaffar Nagar, UP.

Presently R/o B-35, Ground Floor,
Suraj Park, Near Sector-18,
Rohini, Delhi.

..... Applicant

(through Sh. Pradeep Kumar Arya, Advocate)

Versus

1. Union of India through
The Chairman,
Northern Railways,
Railway Bhawan,
New Delhi.
2. Asstt. Personal Officer, (RRC)
Railway Recruitment Cell,
Lajpat Nagar-I, New Delhi-24.

..... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This O.A. has been filed seeking the following relief:-

- “(a) the order/letter dated 10.03.2016 passed by the respondents may please be set aside whereby they rejected the candidature of the applicant.
- (b) the respondents be directed to produce the original answer sheet/OMR sheet of the applicant of the above said written examination.
- (c) further direct the respondents to consider and appoint the applicant on the post of Track-Men (Civil Engg.) from the date his batch mates were appointed in accordance with law and with all the consequential benefits including seniority, pay protection and arrears etc., in the interest of justice.
- (d) the cost of these proceedings may kindly be granted in favour of applicant and against the respondents.
- (e) Records of case may please also be summoned.
- (f) Pass any other order necessary facts in the case.”

2. A perusal of the impugned order reveals that the applicant had scored 80.33 marks in the written examination whereas the revised cut off fixed after the PET was 81.02 marks. Thus, the applicant has scored less marks than the cut off.

3. Learned counsel for the applicant, however, pleaded as stated in para 5.9 of the OA, that the applicant firmly believes based on his performance that he deserved at least 84 marks. He

has, therefore, prayed that his OMR sheet may be summoned by this Tribunal.

4. In our opinion, the applicant has based his case only on assumptions. He has neither alleged any error nor any irregularity in evaluation. No purpose would be served by summoning his OMR sheet as it is not for this Tribunal to re-evaluate his answer sheet. This Tribunal cannot permit a roving enquiry through the medium of this OA.

5. In view of the aforesaid, we do not see any reason to entertain this O.A. Accordingly, it is dismissed in limine.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/