

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

OA-884/2017

New Delhi this the 3rd day of April, 2017.

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

Sh. Sundeep,
S/o Late Sh. Chatter Singh
Aged 36 years
R/o Village & P.O. Gumar
Tehsil Ganaur, District Sonipat
Haryana.

..... Applicant

(through Ms. Saahila Lamba, Advocate)

Versus

1. Union of India,
Ministry of Railways through
Its Secretary,
Rail Bhavan, Raisina Road,
New Delhi-110001.
2. Northern Railway,
Recruitment Cell through
Its Chairman,
Lajpat Nagar-I,
New Delhi-110024.

..... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

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

- “(i) Quash the communication dated 12.02.2017 downloaded by applicant from the website of respondent No.2 and direct the respondents to appoint applicant in respondent No. 2 pursuant to notification dated 30.08.2012.
- (ii) Pass any such other orders as it may deem fit to this Hon'ble Tribunal in the facts and circumstances of the case.”

2. Learned counsel for the applicant Ms. Saahila Lamba argued that the applicant's candidature has been rejected on the ground that the posts for which he was medically fit have been occupied by persons having higher merit. She submitted that the respondents had notified that the vacancies were likely to increase or decrease. The applicant was also kept in waiting for almost 2 ½ years. A reference was also made to the General Manager to increase the number of vacancies. However, now by the impugned order, the applicant's candidature has been rejected.

3. We have considered the submissions of learned counsel. It is not the case of the applicant that anybody having lesser marks than him has been appointed. Thus, there has been no violation of the merit list. The applicant is claiming that since the respondents had kept the applicant waiting for 2 ½ years, they were duty bound to increase the number of vacancies. In our opinion, this contention is misplaced. There was no commitment on the part of the respondents to increase the vacancies. They had only notified that vacancies were likely to increase or decrease. No direction can be given by this Tribunal to the respondents to increase the vacancies.

4. We, therefore, do not find any merit in this O.A. and dismiss the same in limine.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)