

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

OA/100/3498/2014

Reserved on : 04.08.2016.

Pronounced on : 08.08.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

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

Mrs. Pooja Kaur, 27 years
D/o Sh. Megh Raj Singh,
R/o 4/5, Railway Colony,
Daya Basti, Delhi-110 035.

..... Applicant

(through Sh. M.S. Reen, Advocate)

Versus

Union of India & Others

1. The Secretary,
Ministry of Railway,
Rail Bhawan,
Railway Board,
New Delhi.
2. The General Manager,
Northern Railway,
Headquarter's Office,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Estate Entry Road,
New Delhi.
4. Ms. Divya,
D/o Sh. Sanjay,
Working as Group 'D'.
5. Sh. Deepak,
S/o Sh. Ram Kishan,
Working as Group 'D'

Service effected of Respondent Nos. 4 & 5 through Respondent No.3
..... Respondents
(through Sh. Amit Kumar, Advocate)

ORDER

Mr. Shekhar Agarwal, Member (A)

The applicant was a candidate for Group-D post under the respondents under the Scouts & Guide quota for which selection was held in the year 2012-2013. The selection process comprised of written test as well as interview. 50 marks were allotted for the written test while 15 marks were allotted for personality test/interview. 35 marks were to be awarded for qualifications in Scouts & Guide. The applicant secured 78 marks whereas the private respondents No.4 & 5 both secured 82 marks. Consequently, the applicant was not selected. Her grievance, however, is that she has not been awarded any marks for her participation in National Events though she had submitted certificates for the same and even though marks were required to be awarded for participation in National Events as per the policy of the Railway Board. She submitted a representation to the respondents on 06.08.2014. However, she did not receive any reply. Hence, she has filed this O.A.

2. In their reply, the respondents have not disputed that marks were required to be awarded for participation in National Events. They have also not disputed the applicant's contention that she has not been awarded any marks under this category. Their submission is

that the certificates produced by the applicant were not of National Events and hence no marks were required to be given for them.

3. Thus, the controversy involved in this O.A. is whether the certificates produced by the applicant demonstrate that she had participated in National Events or not? To decide what constitutes a National Event, the respondents have consulted the Bharat Scouts and Guides National Headquarters. The replies received from this organisation are available at pages-124 & 125 of the paper-book.

4. Learned counsel for the applicant drew our attention to two certificates produced by the applicant, which are available at pages-32 & 33 of the paper-book. Available at page-32 is her certificate of participation in 100 years of Sunrise of Scouting Ceremony. Available at page-33 is her certificate of participation in 46th World Scout Jamboree. Learned counsel for the applicant argued that the clarifications obtained by the respondents from Bharat Scouts and Guides National Headquarters did not pertain to any of these events. Hence, the respondents had erred in ignoring these two certificates and not awarding any marks to the applicant for them.

5. We have heard both sides and have perused the material placed on record, in particular, the clarifications received from Bharat Scouts and Guides National Headquarters at pages 124-125 of the paper-book. As far as participation in 100 years of Sunrise

Ceremony is concerned, we find from the letter dated 17.02.2014 of Bharat Scouts and Guides National Headquarters (page-125 of the paper-book) that this has been clarified by them to be a local event which could not be regarded as a qualification in Scouting/Guiding. This is evident from S.No. 3 of the aforesaid letter, which reads as follows:-

"Sub: Clarification regarding Scouts & Guides qualification.

Ref: 1. Your Letter No. DSG/0-3/3, Dated:- 10.2.2014.
2. This Office Letter No. JDS/1127/2011, Dated:- 14.7.2011.

Sir,

This is in continuation to this Office Letter referred above following information are given below:-

1. 43rd Jamboree on the Air is a local event which is not a qualification in scouting/Guiding.
2. Jota/Joti is a local event for the Scouts/Guides, hence it is also not a qualification in Scouting/Guiding.
3. Sunrise Ceremony in connection with centenary of Scouting is a local event and also not a qualification in Scouting/Guiding.
4. Golden Jubilee Millennium Open Unit Rally is not a qualification in scouting/Guiding."
6. Thus, there is no merit in the contention of the applicant as far as certificate regarding 100 years of Sunrise of Scouting is concerned.
7. The other certificate relied upon by the applicant pertained to 46th World Scout Jamboree. Learned counsel for the respondents submitted that the clarification received from Bharat Scouts and

Guides National Headquarters is regarding 43rd World Jamboree and not regarding 46th World Jamboree. Thus, while 43rd World Jamboree has been mentioned by them, as being a local event, they have not given any clarification regarding 46th World Jamboree. On going through the communication received from Bharat Scouts and Guides National Headquarters, we find that this indeed is the case. No clarification regarding 46th World Jamboree is available in their letter. To this extent, there is merit in the contention of the applicant.

8. We, therefore, allow this O.A. and direct the respondents to seek clarification once again from Bharat Scouts and Guides National Headquarters regarding 46th World Jamboree held on 18th & 19th October, 2003. In case, it is found that this can be regarded as a National Level Event worthy of awarding marks in the selection for Group-D post, then respondents will reassess the certificate of the applicant and award appropriate marks for the same. They shall then re-evaluate the merit of the applicant in the aforesaid selection. In case, she is selected and is otherwise eligible, she shall be so appointed either against available vacancy or in place of the last selected candidate. The whole exercise shall be completed within a period of 60 days from the date of receipt of a certified copy of this order. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/

