

**Central Administrative Tribunal
Principal Bench**

OA No.4073/2016

New Delhi, this the 9th day of December, 2016

**Hon'ble Mr. V.N. Gaur, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Ms. Pooja Kaur,
D/o Shri Megh Raj Singh,
Aged 29 years,
Candidate for Group 'D' post.
R/o 4/5, Railway Colony,
Daya Basti,
New Delhi.

(By Advocate : Shri M.S. Reen)

...applicant

Versus

Union of India & Others : through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Director,
Bharat Scouts & Guides National Headquarters,
Laxmi Mazumdar Bhawan,
16, Mahatma Gandhi Marg,
Indraprastha Estate,
Delhi.
4. Mrs. Divya,
D/o Shri Sanjay,
Working in Group 'D'.
5. Shri Deepak,
S/o Shri Ram Kishan,
Working in Group 'D' post.

...respondents

ORDER (ORAL)**Hon'ble Mr. V.N. Gaur, Member (A) :-**

The applicant has filed this OA challenging the order issued by the respondents dated 23.09.2016 and 20.09.2016 by which her representation to give weightage to her participation in certain Scouts and Guides events at par with national events for selection to Group 'D' post under Scouts and Guides quota has been rejected. The grievance of the applicant is that she had participated in certain national events of Scouts and Guides, namely, 100 years of Sunrise of Scouting, Handicraft and Vocational Training Course and 46th World Jamboree & 7th World Jamboree etc. which qualify her for grant of additional marks in the interview/personality test. Had the marks been given properly after taking into account the aforesaid participations, the applicant would have made it to the final select list.

2. The applicant had earlier filed the OA No.3498/2014 which was disposed by this Tribunal vide order dated 04.08.2016, wherein it was noted that among the candidates under consideration for Scouts and Guides quota, the applicant secured 78 marks whereas the private respondents No.4&5 had secured 82 marks. The respondents had sought clarification from Bharat Scouts and Guides National Headquarters (respondent No.3) whether the events in which the applicant had participated are national events. The

respondent No.3 sent clarification stating that “100 years of Sunrise of Scouting Ceremony” was a local event, which could not be regarded as a qualification under Scouts/Guides quota. The other certificate relied upon by the applicant was the 46th World Jamboree and 7th World Jamboree, but the clarification received from respondent No.3 was regarding the 43th Jamboree On The Air. The Tribunal, therefore, directed the respondents to seek clarification with regard to the 46th World Jamboree On The Air held on 18th and 19th October, 2003. The respondents have obtained that clarification, a copy of which has been annexed by the applicant as Annexure-1A and which is also under challenge. The respondent No.3 has clarified by letter dated 20.09.2016 that 46th Jamboree On The Air (JOTA) is a local event and it is not a qualification under Scouts/Guides quota. Based on this, the respondents have issued letter dated 23.09.2016, rejecting the candidature of the applicant.

3. We have heard the learned counsel. The matter has already been dealt with by this Tribunal earlier in OA No.3498/2014 and the limited question that was left open in the case was to get clarification with regard to the 46th World Jamboree On The Air from the respondent No.3. Though the applicant has questioned the letter dated 20.09.2016 of respondent No.3, she has not placed

on record any material to show as to why the clarification furnished by respondent No.3 should not be relied upon.

4. In the wake of the order passed in the OA No.3498/2014 and the clarification given by respondent No.3, we do not find any ground to proceed in the matter further. The OA is, therefore, dismissed in *limine* being devoid of merits.

(Dr. Brahm Avtar Agrawal)
Member (J)

(V.N. Gaur)
Member (A)

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