

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Wednesday 7th day of February Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

M.A.310/81/2018
in
O.A.310/00152/2018
&
O.A.310/00152/2018

B. Albert Stanly,
S/o. Shri K. Bonippas,
Pulluvilai Mathapuram,
Tholayavattam Post,
Kanyakumari District,
PIN- 629 157.

.....Applicant in both M.A. and O.A.

(By Advocate : M/s. S. Retnaswamy)

VS.

1. Union of India Rep. by
The General Manager,
Southern Railway,
Chennai- 600 003;
2. Chairman,
Railway Recruitment Cell,
No.5, Dr. P.V. Cherian Crescent Road,
Egmore, Chennai- 600 008.

... ..Respondents in both M.A. and O.A.

(By Advocate:)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. The M.A. is filed by the applicant seeking condonation of delay of 441 days in filing the O.A.

2. M.A. is allowed for the reasons stated therein and the delay is condoned.

3. The O.A. is filed by the applicant seeking to call for the records in Employment Notification No: RRC02/2013 dated 21.09.2013 relating to the applicant from the Second Respondent and direct the second respondent to include the applicant's name in the Select List for appointment to a post in Pay Band-1 (Rs.5200-20200) with grade pay of Rs. 1800/- taking into account Government of India Order No. 27011/100/2012-R&W dated 23.11.2012 and grant all consequential benefits.

4. The case of the applicant is that pursuant to the Employment Notification No. RRC02/2013 dated 21.09.2013 issued by 2nd respondent for recruitment to the Posts in Pay Band I (Rs5200-20200) with Grade Pay of Rs. 1800/- in Southern Railway and ICF, the applicant submitted his online application under Ex-Serviceman category under Sl.No.12 of the application furnishing the requisite information. He was called for Written Test held on 02.11.2014. On the basis of performance in Written Examination and after qualifying in the Physical Efficiency Test, he was provisionally called for Document Verification on 21.09.2015.

5. When applicant did not get selected, he submitted an application under Right to Information Act, 2005 in response to which he was informed as follows:-

“The applicant has opted in his online application as Ex-Servicemen but he actually belongs to CRPF. As per notification, CRPF does not include in the eligibility criteria or treated as Ex-Serviceman. Since the applicant made false declaration in the application, his candidature has been rejected and the same was also communicated to the applicant at the time of document verification.”

6. It is submitted that the applicant drew attention to an order No. 27011/100/2012-R&W dated 23.11.2012 issued by Ministry of Home Affairs, Police Division II, which states that “Cabinet Committee on Security has approved the proposal of this Ministry to declare retired Central Armed Police Force Personnel from Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo Tibetan Border Police (ITBP) and Sashastra Semma Bal (SSB) as “Ex-Central Armed Police Force Personnel”(Ex-CAPF Personnel). Therefore, based on such designation, the State/Union Territory Governments concerned may extend suitable benefits to them on the lines of the benefits extended by the State/UT Governments to the Ex-Servicemen of Defence Forces.” However, the second respondent was not satisfied. The rejection of his claim was only intimated to him by way of information under the Right to Information Act,

2005 and, hence the applicant has approached the Tribunal now seeking the aforesaid relief.

7. Learned counsel for the applicant submits that the applicant is aggrieved by non-treatment by the respondents as his application for recruitment to the Posts in Pay Band I (Rs.5200-20200) with Grade Pay of Rs. 1800/- in Southern Railway and ICF as coming under EX- CAPF category. It is submitted that applicant is a retired CRPF employee and was issued Ex-Service Certificate on 11.12.2012. In terms of the O.M. No. 27011/100/2012-R&W dated 23.11.2012, Annexure A/7, Ministry of Home Affairs, Police Division-II, Ex-CAPF Personnel are entitled to be considered at par with Ex-serviceman. He would accordingly seek a direction to the respondents to grant appointment to the applicant under the said category.

8. On perusal, it is seen that the said O.M. of Ministry of Home Affairs, referred to by the applicant, is advisory not mandatory. There is no evidence that the relevant recruitment rules had been amended accordingly to provide for reservation to Ex- CAPF Personnel at par with Ex- servicemen.

9. Keeping in view the above, learned counsel for the applicant submits that the applicant would wish to withdraw this O.A. with liberty to make a detailed representation to the competent authority seeking amendment of rules in terms of the said O.M of the Ministry of Home Affairs and for processing his case accordingly.

10. In view of the submission, the O.A. is dismissed as withdrawn. Liberty is granted to the applicant to seek an appropriate legal remedy in pursuance

of any claim that may appear to arise from the aforesaid O.M. of MHA dated 23.11.2012. No order as to costs.

(R. RAMANUJAM)
MEMBER(A)

7.2.2018

asvs.