

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/1567/2016

Date of order : 18.4.2017

Present: Hon'ble Ms. Jaya Das Gupta, Administrative Member

DEBJIT SARKAR

VS

UNION OF INDIA & ORS.

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. S. K. Das, counsel
Mr. B. B. Chatterjee, counselO R D E R (ORAL)

Mr. C. Sinha, Id. Counsel appeared for the applicant, Mr. S. K. Das, Id. Counsel appeared for the official respondents and Mr. B. B. Chatterjee, Id. Counsel appeared for the Indian Air Force. They have consented that the matter may be disposed of with certain directions giving a time limit.

2. In this case the applicant (according to whom) is possessing equivalent qualification of Engineering accorded by the Indian Air Force Authority, applied for the post of Sr. Section Engineer (Signal) under Railway recruitment board. He passed the written examination and also satisfied the authorities regarding document verification. However, his name was not included in the panel after selection.

3. Accordingly he has represented to the authorities on 2.7.2015 and 4.8.2015 and the respondent authorities on 17.8.2016 had given a reply to the applicant by way of issue of show cause notice which runs as follows :

"GOVT. OF INDIA
MINISTRY OF RAILWAYS
RAILWAY RECRUITMENT BOARD, KOLKATA

No. RRB/KOL/STWI/14/Pt.I
Shri Debjit Sarkar,
Roll No. 2313259,
S/o Satya Ranjan Sarkar,
F-2, Ananda Bhavan,
22/1 Dr. B.R. Ambedkar Road,
Sreepally, Palta,
Barrackpore - 743122.

Dated 17.8.2016

Sub : Show Cause Notice.
Ref : (i) Your representation dated 2.7.2015 & 4.8.2016

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- (ii) This office letter nos. RRB/KOL/STWI/Pt.I dated 9.11.2015, 25.2.2016 and 23.5.2016.

On-line application was invited for recruitment to the post of Senior Section Engineer (Signal) against Category No. 28 of Centralised Employment Notice No. 02/2014 with the condition that no document was required to be uploaded except caste certificate for SC/ST candidates. You had qualified in the Written Examination held on 21.12.2014 and called for verification of testimonials on 28.4.2015.

On the day of verification of testimonials on 28.4.2015, you could not produce Engineering Degree certificate issued by Competent Armed Force Authority, instead submitted Certificate of Diploma in Electronics and Radio Communication engineering issued by Competent Armed Force Authority. Thereafter, a series of references were made vide this office letters quoted at Sl. No.(ii) above, but Degree in specific stream has not been indicated by Competent Armed Force Authority.

Meanwhile, clarification has been received from Railway Board indicating qualification of Ex-Servicemen who applied for the post of Senior Section Engineer based on the certificate issued by Indian Air Force Authority with the endorsement 'Diploma in Engineering in appropriate discipline plus total 10 years of technical experience in the appropriate fields is recognized as equivalent to Degree in Engineering'. It is considered valid for the purpose of selection to Gazetted post and services under the Central or State Government. This endorsement was made in diploma certificate of Ex-Servicemen candidates as per Ministry of Education and social Welfare's (Department of Education Technical) contained in letter No. F-18-19/75/T-2 dated 26.5.1977.

In this regard, it is further clarified that instant issue has been examined by Railway Board in consultation with Air Headquarter/New Delhi, Ministry of Defence and Ministry of Human Resource Development and it was decided that certificates issued by Indian Air Force Authority to Ex-Servicemen with the above stipulation for the purpose of appointment in Railway wherein Degree in Engineering has been notified as prescribed qualification shall not be accepted since Hon'ble Central Administrative Tribunal/ Chandigarh in OA No. 343/PB/2013 dated 15.12.2015 in the matter of Shri Om Prakash Kangotra and Others -vs- UOI had declared the notification dated 26.5.1977 issued by Ministry of Human Resource Development as fictitious.

However, you made an appeal to consider your candidature as per the letter of Ministry of Education and Social Welfare's (Department of Education Technical) bearing No. F-18-19/75/T-2 dated 26.5.1977 which has subsequently been declared as fictitious by Hon'ble Central Administrative Tribunal/Chandigarh explained elaborately in the above para.

Consequently, on the above, you are requested to intimate within 15 days, as to why your candidature will not be 'Rejected' for not having requisite qualification as prescribed for the post of Senior Section Engineer (Signal) against Catg. No. 28 of Centralised Employment Notice No. 02/2014.

If you have any thing to explain in this regard, your representation with supporting certificate(s)/document(s) should reach this Railway Recruitment Board on any working day on or before 31st August, 2016. If no reply is received within the stipulated date, it will be presumed that our have nothing to submit and an ex-parte decision in this respect will be taken regarding your candidature.

(Samir Biswas)
Secretary
for Chairman."

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4. As per the directions in the show cause notice the applicant had replied on 24.8.2016. But the grievance of the applicant is that till date no final decision has been taken by the authorities regarding his candidature for the post of Sr. Section Engineer (Signal) under Railway Recruitment Board.

5. Hence with the consent of the parties it is directed that a final view in the matter of selection of the applicant should be taken after considering the reply to the show cause notice of the applicant within six weeks from the date of getting a certified copy of this order and the decision thereof be communicated to the applicant within 10 days thereafter.

6. It is submitted that I have not gone into the merits of the case and all points are kept open for the respondent authorities.

7. The OA is disposed of with the above direction. No order is passed as to costs.

(JAYA DAS GUPTA)
MEMBER (A)

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