

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 667 OF 2017

Dated:- 8th day of November, 2017.

Coram: Hon'ble Shri. Arvind J. Rohee, Member (J).
Hon'ble Shri. R. Vijaykumar, Member (A).

Shri. Rahul Kumar Porwal,
 Age:- 31 years,
 S/o. Shri. Sitaram Porwal, Village PATA,
 Rly. Station PATA, Dist. Auraiya (UP),
 PIN- 206241. ... *Applicant.*
*(By Advocates Shri S.A. Siddiqui with
 Shri F.A. Khan)*

Versus

1. Union of India.
 Through Chairman,
 Railway Board, Rail Bhavan,
 New Delhi- 110011.
2. The General Manager,
 Central Railway, Head Quarter Office,
 Mumbai CSMT 400001.
3. Chief Personal Officer,
 CPO Office, Central Railway Head Quarter,
 Mumbai CSMT 400001.
4. Chairman, Railway Recruitment Cell,
 (C. Rly) CPM's (Conv.) Office,
 Building P.D.' Mello Road, Wadi
 Bunder, Mumbai 400010. ... *Respondents.*

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri A.S. Siddique and Shri F.A. Khan, learned Advocates for the Applicant. We have carefully perused the case record.

2. The Applicant has grievance regarding impugned information dated 17.10.2016 which he received under RTI Act, by which it was revealed that his candidature for the post of Group 'D' in pursuance of the Notification dated 08.08.2013 issued by the Respondent No.4 has been rejected, on the ground that he has not mentioned particulars/details of Indian Postal Order (IPO) or Demand Draft nor has enclosed declaration that he belongs to minority community or income certificate (EBC) .

3. The following reliefs are, therefore, sought:

***a)** The Hon'ble Tribunal will be graciously pleased to call for the records and proceedings in respect of the impugned Order 17.10.2016 and after going through legality and validity of the same quash and set aside.*

***b)** The Hon'ble Tribunal will be pleased to hold and declared that application from submitted by the applicant is valid and direct the Respondents to appoint the applicant in 'D' Group Post.*

***c)** The Hon'ble Tribunal will be graciously pleased to pass such other and further order as deem fit in the facts and circumstances of the case.*

***d)** Any other and further reliefs which the Hon'ble Tribunal may deem proper, may be granted."*

4. During the course of arguments, learned Advocates for the applicant

submitted that it is not specifically mentioned in the Notification to submit the details of the IPO/Demand Draft and hence his candidature should not have been rejected, especially when he qualified Written Test, Physical Efficiency Test and was called for document verification and was also subjected to medical examination. However, the prescribed application form annexed to the Notification, in Clause No.15 thereof it is clearly stated that details of IPO/Demand Draft Number, date, an amount of Rs.100/- and name of the Post Office/Bank & Place should be mentioned. The Photocopy of the application form is produced by the applicant. It clearly shows that in clause 15, the applicant has simply stated the name of the Post Office and kept the other information regarding Number of IPO and date of its issuance blank, although it appears that the IPO was annexed with the application form.

5. It is obvious from record that the applicant was not diligent while filling-up the application form, since he has left some portion of clause no.15 blank. The EBC

certificate and declaration that he belongs to minority community is also not annexed, which is must as per the instructions given in the Notification.

5.a. From the above discussion, it is obvious that no case has been made out for interference by this Tribunal. Simply because the applicant was called for written test, physical efficiency test and was subjected to medical examination, it does not confer any right in him for appointment to the post applied for. It is tried to contend by the learned Advocates for the applicant that since scrutiny of the documents including the application form was done after the applicant qualified written test, physical efficiency test and was also subjected to medical examination, the lapse on his part, if any, is liable to be ignored. We are not at all impressed with the submission, which is devoid of any merit.

6. In the result, no case is made out for indulgence of this Tribunal. The OA, therefore, stands dismissed in *limine* at the admission stage without issuing notice to the respondents.

7. Registry is directed to forward certified copy of this order to both the parties at the earliest.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.