

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION Nos. 641/2017.

Date of Decision: 26.10.2017.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Pawan Kumar Pandey,
S/o Sheo Balak Pandey,
R/at Mohlalla Singar Hat,
Post Office, Sohsarai Dist.
Nalanda, Bihar 803 118.

... ***Applicant***

(Advocate by Shri Vicky Nagrani)

Versus

1. Union of India through
The Secretary,
Ministry of Railways,
North Block, New Delhi 110 001.

2. The Chairman
Railway Recruitment Cell,
Central Railway, Headquarters
Office, Personal Branch, CST,
Mumbai 400 010.

... ***Respondents***

ORDER (Oral)

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

Today when the matter is called out for admission, heard Shri Vicky Nagrani, learned Advocate for the Applicant. We have carefully perused the case record.

2. The applicant is aggrieved by rejection of his candidature for the post of Assistant Loco Pilot, applied by him in pursuance of the Notification CEN No.01/2014 dated 18.01.2014 issued by the Respondent No.2. The candidature has been rejected by the impugned order/result of written examination (Annexure A-

1) dated 05.01.2017 on the ground that he does not fulfill the requisite educational qualification as per the Notification. According to applicant, he fulfills the educational qualification as per the Notification since he has obtained Diploma from MSME (Micro Small and Medium Enterprises) Tool Room, Kolkata which is approved by AICTE and it is equivalent to Diploma in Mechanical Engineering for the purpose of employment.

3. In the background of the aforesaid facts, the following reliefs are sought;

“8.a This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside result dated 05.01.2017 to the extent of cancellation of candidature of the applicant.

b. This Hon'ble Tribunal may further be pleased to hold and declare that the applicant is in Possession of requisite education qualification as prescribed in the advertisement in lieu of the certificate issued by Govt of West Bengal letter dated 25.04.1988 and HRD, Department of Education letter dated 06.06.1990.

c. This Hon'ble Tribunal may further be pleased to direct the Respondent No.2 to publish the result of the applicant and call him for medical examination alongwith the other candidates and if found fit appoint him on the post of Assistant Loco Pilot.

d. Costs of the application be provided for.

e. Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.”

4. Interim relief in the form of a direction to the respondents to keep one post of Assistant Loco Pilot vacant for the

applicant is also sought.

5. It is obvious from record that applicant submitted representation dated 09.02.2017 (Annexure A-10) to the Respondent No.2 against the impugned order with a request to reconsider his claim and allow him to take part in further recruitment process since his candidature is wrongly rejected. The said representation is still pending, since nothing has been heard from the other end.

6. In view of this, we are of the considered view that there is no impugned order as such rejecting the applicant's representation and hence ends of justice will be better served, if appropriate directions are issued in the matter.

7. Respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representation dated 09.02.2017 (Annexure A-10) of the applicant, in accordance with law and after considering the educational qualification prescribed under Recruitment Rules, the Advertisement/ Notification in question and the educational qualification secured by the applicant within a period of four weeks from the date of receipt of certified copy of this order .

8. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

9. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and

without making any comments on merits of the claim.

10. Registry is directed to forward certified copy of this order to both the parties.

11. DASTI.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.