

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 01st day of *March, 2019*.

**HON'BLE JUSTICE SHRI BHARAT BHUSHAN, MEMBER (J).
HON'BLE MS. AJANTA DAYALAN, MEMBER (A).**

Civil Misc. Application No. 330/02379/2017

In

Original Application Number. 330/01466/2017.

Gautam.

.....Applicant.

VE R S U S

Union of India and others.

.....Respondents

Advocate for the applicant : Shri Sunil

Advocate for the Respondents: Shri Amit Kumar Rai

O R D E R

(Delivered by Hon'ble Justice Shri Bharat Bhushan, J.M)

Heard Shri Sunil, Advocate alongwith the applicant Shri Gautam and Shri Amit Kumar Rai, learned counsel for the respondents on Civil Misc. Application No. 2379/17 for condonation of delay in filing OA No. 1466/17. The respondents have filed objection against the delay condonation application, which is available on record.

2. It appears that the applicant appeared in the written examination conducted by the Railway Recruitment Board, Allahabad for the post of Senior Section Engineer Electrical (G.S.) and Senior Section Engineer Electrical (T.R.D, T.R.S.) pursuant to the advertisement dated 10.03.2012, but he was not called for appointment. Therefore, he has filed this OA No. 1466/17 with considerable delay.

3. Learned counsel for the applicant has submitted that the applicant believed that he was selected in a particular category and yet he was not called for document verification as well as appointment. His submission is that the applicant was seeking information from the department by way of various applications under R.T.I. Act 2005 which were furnished to him after considerable delay and the last information was given to the applicant on 05.06.2017 (Annexure A-13) after intervention of the CIC, New Delhi. Thereafter, the applicant has filed the present OA after acquiring sufficient information.

4. Learned counsel for the respondents has vehemently opposed the delay condonation application stating that information under R.T.I. Act could have been gathered in first attempt and therefore, there was no need for the applicant to approach the CIC, New Delhi again and again. He has further submitted four years delay is a considerable delay and there is no reasonable cause for condoning such delay.

5. Certain facts are very clear. The applicant did appeared in the written examination conducted by the Railway Recruitment Board, Allahabad in 2012 and the result was declared in 2013. The applicant initially sought information under RTI Act vide annexure A-3, which was provided to him vide information dated 09.12.2013 (Annexure A-4). Thereafter, the applicant moved another application dated 12.02.2014 under RTI Act (Annexure A-5) seeking certain information, which was not provided to him. Then the applicant filed First Appeal on 15.04.2014 (Annexure A-6), which was also not replied to him. However, after considerable delay in the year 2014, the applicant approached the CIC, New Delhi and after intervention of CIC, New Delhi vide order dated 12.08.2015 (Annexure A-8) certain information was furnished to the applicant on 18.09.2017 (Annexure A-9). The applicant again moved another application on 22.09.2015 (Annexure A-10) before Public Information Officer seeking more information, which was provided

to him vide information letter dated 30.10.2015 (Annexure A-11). The applicant was not satisfied with this information hence, he approached the CIC, New Delhi and after intervention of the CIC, New Delhi (Annexure A-12), the applicant was given information on 05.06.2017 (Annexure A-13).

6. It is, therefore, *prima facie* clear that the applicant had struggled a lot for securing information about the recruitment. The last information about the question booklet colour was furnished to him 05.06.2017.

7. The claim of the applicant is that he was given green colour OMR booklet and subsequently he was found that he was ranked on the basis of marks secured with the Yellow colour question booklet. Considering all the disputes as well as the struggle faced by the applicant in securing information from Railway authorities, we are of the view that the delay can be condoned. We, therefore, allow this MA No. 2379/17 and the delay in filing OA No. 1466/17 is condoned.

8. The respondents are directed to file counter reply within six weeks. The applicant may file rejoinder, if any, within two weeks thereafter. List on 01.05.2019. .

(MS. AJANTA DAYALAN) (JUSTICE BHARAT BHUSHAN)
MEMBER- A. MEMBER- J.

Anand...