

UB

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION NO. 609 OF 2016

Dated this Friday, the 05th day of April, 2019

**CORAM : DR. BHAGWAN SAHAI, MEMBER (ADMINISTRATIVE)
R. N. SINGH, MEMBER (JUDICIAL)**

Vinod S. Padale, Aged 39 years,
R/o Room No.4, J.P.Tiwari Chawl,
Opp Radhe Krishna Apt.,
Shivaji Nagar, Waldhuni, Kalyan (E),
Dist – Thane, Maharashtra 421 301.
**(By Advocate Ms. Pradnya Jadhav
along with Ms. Priyanka Mehndiratta)**

... Applicant

VERSUS

1. The Railway Recruitment Board,
Western Railway,
Divisional Office Compound,
Mumbai Central,
Mumbai 400 008.
(By Advocate Shri V.S.Masurkar)

... Respondent

ORAL ORDER

Per : R.N.Singh, Member (Judicial)

The applicant is aggrieved of inaction of the respondents in not declaring him as passed in the result for the examination conducted for the post of Assistant Station Master despite the fact that the applicant has received marks higher than the cut off.

2. The learned counsel for the applicant on the basis of averments made in the OA

submits that the applicant has scored 61.44% and the cut off marks for calling the candidates for verification of documents under SC Category to which the applicant belongs is only 58.22% and thus, the candidature of the applicant has been overlooked while similarly placed persons have been called for document verification. The applicant has prayed for the following reliefs :-

"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, hold and declare that the Applicant has qualified in the examination for the post of Assistant Station Master against the advertisement dated 12.05.12.

8(b). This Hon'ble Tribunal may further be pleased to declare that the Applicant is eligible, deserving and entitled to be appointed to the post of Assistant Station Master.

8(c). Cost of the Application be provided for.

8(d). Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

3. In response to the notice issued by this Tribunal, the respondent has filed its reply affidavit and in the reply it has been admitted that the applicant has applied in

pursuance to CEN No.3/2012 for the post of Assistant Station Masters. It is further admitted by the respondents that the applicant on successfully qualifying the first stage examination was called for second stage written examination held on 18.03.2013 wherein he scored 61.44% and was also called for Aptitude Test for deciding suitability for safety category post, he had applied for Assistant Station Master.

4. The learned counsel for the respondent invited our attention on the assertion made by the respondents in paragraph No.15 of their reply wherein the respondents have contended that during such aptitude test held on 16.03.2015, the applicant secured the following marks as given in the table :-

Sl. No.	Roll No.	Test 01	Test 02	Test 03	Test 06	Test 07
1	24123012080679	55	41	41	66	50

5. He further submits on the basis of such reply affidavit that in terms of the letter / circular No.PT/PP/1.1.4 dated

01.09.2009 (Annex R-1), the applicant failed to obtain qualifying T-score of 42 in any of the tests, which were mandatory and, therefore, he was not found suitable.

6. The respondent in the reply further submits that the applicant has also been accorded opportunity of inspection of OMR Sheet on 25.02.2016. No rejoinder has been filed by the applicant. However, in oral rejoinder, the learned counsel for the applicant submits that the respondent has applied the criteria meant for Railway Recruitment Board, Secunderabad in the case of the present selection process. However, this fact has been denied by the respondent in para 21 of the reply wherein it has been contended that the post of Assistant Loco Pilot for CEN No.01/2014 issued by Railway Recruitment Board Secunderabad was not applied in the case of the applicant.

7. However, the learned counsel for the applicant has reiterated the grounds stated in the paragraph No.5 of the OA that the norms used for Aptitude Test of Assistant

Loco Pilot of CEN No.01/2014 held from 02.02.2015 to 01.04.2015 as per RRB/SC/607/01/012014(CEN) dated 18.12.2015 were applied to the applicant. In this regard, she claims that the applicant has been informed by the respondents under Right to Information Act. The information received by the applicant stated to be under Right to Information Act is not part of the pleadings. The respondent has also categorically stated in the reply that the requirement is stipulated in the letter / circular dated 01.09.2009, it has been uniformly applied in respect of all the candidates who have participated in the aforesaid selection process.

8. Accordingly, we do not find any reason to interfere with the action of the respondents.

9. However, the applicant shall be at liberty to make a representation if at all he is having any information under Right to Information Act or by way of any other document to raise his grievance, if any, by

way of a comprehensive representation to the respondent within a period of four weeks from the date of receipt of certified copy of this order and in case such representation is received by the respondent, the respondent is directed to consider the same and dispose of the same by passing a reasoned and speaking order.

(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

jw
10/4