

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 692/2015

DATE OF DECISION: 26.02.2019

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Shri Vijay Pandurang Gawli
Age : 39 years,
Hari Nagar, Near Railway Colony,
Purna, Tal. Purna, Dist. Parbhani,
Pin Code - 431 511. ... **Applicant**

(By Advocate Shri Govind Solanke)

VERSUS

1. Union of India
Through General Manager,
South Central Railway,
having office at 5th Floor,
Rail Nilayam, Secunderabad,
Hyderabad - 500 003.
2. Sr. Divisional Personnel Officer,
Nanded Division,
Air Port Road, Rail Vikas Sadan,
South Central Railway,
Nanded - 431 605.
(Maharashtra State) . . . **Respondents**

(By Advocate Shri R.R. Shetty)

ORDER (ORAL)

Per: Ravinder Kaur, MEMBER (J)

Vide present OA, the applicant has challenged the impugned order dated 11.04.2014 whereby the recruitment against Scouts and Guides Quota for erstwhile Group 'D' category for the year 2013-2014 in Nanded Division was cancelled.

2. He has claimed the following reliefs in the present OA:

- "8(a) That, respondents be directed to recall notice dated 11.04.2014 issued by the respondent No.2 by which recruitment for the post against Scouts & Guides Quota in erstwhile Group-D category, for the year 2013-2014 at Nanded Division, has been cancelled;
- (b) That, respondents be directed to appoint applicant to the post against Scouts & Guides Quota in erstwhile Group-D category, at Nanded Division.
- (c) That, any other and further reliefs in favour of the applicant as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present case.
- (d) Cost the Application."

3. The undisputed facts are that on 16.12.2013, the respondent No.2 had issued notification, inviting applications for the post of Group 'D' category against the Scouts and Guides Quota. As per the said Notification, there were two vacancies for the post of erstwhile Group 'D' services. The copy of the Notification is Annexure A-2. The applicant applied for the aforesaid post since he was fulfilling the eligibility and the qualification criteria given in the Notification. On 25.03.2014, he appeared for written examination and obtained qualifying marks. On 28.03.2014, the applicant appeared for interview. Besides him, one more candidate also appeared for interview. All these facts are undisputed.

4. It is submitted by the applicant that till the month of February, 2015 he was waiting for appointment letter but as he did not receive any communication from the respondent No.2, hence he visited its office to enquire about the result. To his utter shock, it revealed that the aforesaid recruitment had been cancelled by respondent No.2 vide Notice dated 11.04.2014 without assigning any reason. Under RTI the applicant obtained documents in respect of the recruitment process and sent notice dated 27.06.2015 to respondent No.1 with request to appoint him to the post of Group 'D' category in Nanded Division as he had qualified in the written exam and subsequently also appeared for interview but result was not declared. However, he did not receive any reply from the respondents.

5. The applicant has challenged the order of cancellation of recruitment on the grounds that it is done arbitrarily and once the applicant had successfully cleared the written exam and also attended the interview, the recruitment ought not to have been cancelled. Further, when the applicant had applied in pursuance to the Notification dated 16.12.2013, he was about to

complete 38 years of age and was about to become age-barred for the said post, and if the present recruitment for the year 2013-14 is cancelled, he would not be able to apply for the same post in the next year. He has sought quashing of the Notice dated 11.04.2014 issued by respondent No.2 cancelling the recruitment due to administrative reasons.

6. The respondents have filed detailed affidavit in reply justifying the cancellation of the recruitment.

7. We have heard the arguments addressed by Shri Govind Solanke, learned counsel for the applicant and Shri R.R. Shetty, learned counsel for the respondents and gone through the material available on record.

8. Learned counsel for the respondents has submitted that the Nanded Division had issued Notification to fill up only 2 vacancies for erstwhile Group 'D' category under Scouts and Guides quota in the financial year 2013-2014 Vide Notification dated 16.12.2013 (Annexure R-1). It is brought to our notice by him that though the applicant had qualified in the written examination, however he failed in the interview/viva voce. The other candidate also

could not succeed in the interview/viva voce and for this reason, due to non-availability of qualified candidates, the recruitment was cancelled due to administrative reasons vide notice dated 11.04.2014. He has further brought to our notice that the selection process for recruitment of Scouts and Guides quota lapses by the end of March every year.

9. It is the claim of the applicant that he had not only qualified in the written examination but had also appeared for interview. However, the mere fact that he appeared for interview after qualifying in the written examination does not bestow any right in favour of the applicant to be appointed to the post of Group 'D'. The overall performance of the applicant was to be taken into consideration i.e. he was also required to qualify in the interview.

10. In these circumstances, we do not find any infirmity in the impugned notice dated 11.04.2014 (Annexure A-1) which was issued due to administrative reasons. The applicant himself has admitted that alongwith him one more candidate was called for interview and the learned counsel for the respondents has informed us that both the candidates including the applicant did not clear

the viva test, as such the respondents were left with no option except to cancel the recruitment process.

11. Thus, in view of the observations made above, the Original Application being without any merits is dismissed. No order as to costs.

(Ravinder Kaur)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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