

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA 310/01064/2018 & MAs 216, 337/2019

Dated 6th day of November Two Thousand Nineteen

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

V. Praveen Kumar
No. 180/2, VOC Street
Kilambakkam Village
Thiruvallur Taluk
Thiruvallur District – 602 025.

.... Applicant

By Advocate M/s. R. Prabhakaran

Vs

1. The Chairman
Railway Recruitment Control Board
Ministry of Railway
FROA Office, Rail Bhavan
Raisina Road
New Delhi – 110 001.

2. The Member Secretary
Railway Recruitment Board
No. 55, Dr. P.V. Cherian Crescent Road
Egmore, Chennai – 600 008.

3. The Executive Director
Establishment
Railway Recruitment Board
No. 5, Dr. P.V. Cherian Crescent Road
Egmore, Chennai – 600 008.

.... Respondents

By Advocate Mr. D. Hariprasad

ORAL ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

Heard. The applicant has filed this OA seeking the following relief:

“To call for the records culminated in the speaking order passed by the 3rd respondent, which was intimated by the 2nd respondent vide letter ref No. RRB/MAS/OA No. 456/2018-19 dated 19.04.2018, and quash the same and consequently, direct the respondents to permit the applicant to attend the ensuing written examinations for the post Asst. Loco Pilot & Technician (Fitter), and for the post of Helper (various posts in level-1 of 7th CPC Pay matrix), by treating him either under general disabled or scheduled caste community quota, and thus render justice.”

2. The facts of the case are as follows:

The applicant is a physically challenged (One Arm) with 65% disability. He belongs to SC Community and he had completed SSLC in the year 2005. He had also completed excellent apprenticeship-NAC (Fitter) and obtained a certificate for the same. The respondents had called for online application for the post of Technician-Gr. III, Carriage and Wagon under Mechanical (Fitter) and 'Helper'. As per notifications of the year 2013 and 2014, there is a clear column showing for Orthopaedically Handicapped Category (OH) which covered One Arm Locomotor Disability. Also in contravention of the Central Notification, the respondents had issued a corrigendum CEN No. 02/2018 which shows no option for reservation for One Arm Locomotor Disability under the head of 'OH'. Hence the applicant was unable to apply for the post online. But

he had applied through online showing himself as LD (One Leg) category. The applicant filed a representation on 17.03.2018 to the respondents seeking necessary modification for including of his category. Thereafter he filed OA 310/00045/2018 in this Tribunal and the Tribunal ordered the respondents to consider the representation of the applicant and pass a speaking order on 28.03.2018. But the respondents by impugned order dated 19.04.2018 intimated that One Arm Locomotor Disability is neither suitable for the post of Technician Carriage and Wagon Gr. III nor for the post of Helper. Aggrieved by the same he had filed this OA. According to him the earlier notification of the year 2013 and 2014, One Arm Category was also included in OH category. The exclusion of OH category is invalid and non est in the eye of law. The applicant is fully eligible having Benchmark Disability with Locomotor Disability. Unless the respondents are directed to permit the applicant to attend the examination scheduled to be held in August 2018 by treating him as General Disabled or the SC Community, the applicant's excellent apprenticeship NAC (Fitter) National Apprenticeship Certificate from Southern Railway with One Arm Disability will become useless. The applicant also seeks permission to attend the written examination for the post of Assistant Loco Pilot and Technician (Fitter) for the post of Helper by treating him either under general disabled or SC Community and thus render justice.

3. The respondents entered appearance and filed a detailed objection contending that the applicant is not entitled to apply for the post as he has One

Arm Disability which is not notified in their notification. When the matter came up for hearing the respondents have filed additional reply stating that the applicant was permitted to write examination and undergo the recruitment procedure but the applicant could secure only 43.03458 marks. Even assuming that he is eligible under PWD category the candidate has not secured the cut off marks for PWD category of Locomotor Disability which is 57.89088. So according to the respondents the applicant was not called for the document verification as he has failed to obtain the cut off marks. They also submitted that the application submitted by the applicant was under One Leg disability but the actual disability was One Arm Locomotor Disability category. There is no vacancy for One Arm category notified.

4. Heard both sides. On going through the pleadings and documents produced as Annexures it can be seen that the applicant had applied for reservation for One Leg category where there was no reservation actually notified for One Arm Locomotor Disability. Even then the applicant was permitted to provisionally participate in the selection process on 10.08.2018 considering the submission made by the applicant. It has come out that now the applicant has participated in the selection process and he could not come out with the requisite marks in the merit list. It is submitted by the respondents that the applicant has secured only 43.03458 marks in the test. He has also not secured the cut off marks for SC candidates which is 63.58573. Even assuming that he is eligible under PWD category he has not secured the cut off mark for

PWD category of Locomotor Disability which is 57.89088. So according to the respondents the applicant has not come up in the merit list and he has not secured the cut off marks for selecting him. From the above it can be seen that there is no merit in the OA and the applicant has failed to succeed in the contentions raised before this Tribunal. He was permitted to participate provisionally at his own request and he has undergone the selection process and he failed to come out successfully. It is also to be noted that there is no vacancy notified for OH One Arm Locomotor Disability in the notification so in that count also the applicant is not eligible. In the result we find no merit in the OA and the OA is dismissed. In view of the order passed in OA, MAs 216/2019 and 337/2019 are also dismissed.

(T.Jacob)
Member(A)

06.11.2019

(P. Madhavan)
Member(J)

AS

Annexures filed in the OA

Sl. No.	Date	Description	Annexure No.
1	'April2013	National Apprenticeship certificate of the applicant with mark sheet	A-1
2	21/09/13	Employment Notification No. RRC 02/2013	A-2
3	18/01/14	Centralised Employment Notice No. 01/2014	A-3
4	03/02/18	Centralised Employment Notification CEN 01/2018	A-4
5	13/02/18	Centralised Employment Notification CEN 02/2018	A-5
6	22/02/18	On-line applications registration of Applicant	A-6
7	28/02/18	Corrigendum for CEN 01/2018	A-7
8	17/03/18	Representation from applicant to respondents	A-8
9	28/03/18	Order in OA No. 310/00456/2018	A-9
10	04/04/18	Notice/Representation from counsel for applicant	A-10
11	19/04/18	Impugned Speaking Order	A-11

Annexures in the Reply statement filed by the respondents

Sl. No.	Date	Annexure No.
1	27/08/09	R1
2	14/12/14	R2
3	16/02/18	R3
4	28/02/18	R4