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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1962 of 1988

This 24th day of January, 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

1. Smt. H. Bakshi,
Assistant Superintendent,
(P. Branch), D.r.M. Office,
Northern Railway,
New Delhi.

2. Smt. Nirmala Kumari
Assistant Superintendent,

3. Shri Chaman Lal,
Assistant Superintendent.

Applicants

Address of Applicant 2 & 3 same as of applicant No.1
By Advocate: Shri B.S. Mainee

VERSUS

1. Union of India, through
The General Manager,
Northern Railway, Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
New Delhi.

By Advocate: Shri D.S. Mahendru, proxy counsel for
Shri P.S. Mahendru.

O R D E R (Oral)

(Hon'ble Mr. J.P. Sharma, M(J))

The above applicants initially joined the Railways as Clerks and by passage of time they were promoted to the rank of Assistant Superintendent in the grade of Rs.1600-2660 with effect from different dates: applicant No.1 from June 1986; applicant No.2 from February 1987 and applicant No.3 from February 1986.

The Respondents undertook a selection test according to existing rules and issued notification in March 1988 but subsequently by the order of General Manager, the procedure of selection was modified, only by calling eligible candidates of the staff for interview/test which were held in August 1988. In order of seniority, ^{persons} 107 were selected. The applicants could not make ^{a mark} and

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were placed at Sl. No. 13, 19 and 23 respectively. However, the respondent Railways notified another selection test and this time they held the written test on 2.9.88 with supplementary test on 17.9.88. The applicants appeared in the selection test but failed. They came to the Tribunal on 12.10.88 praying for grant of the relief that the aforesaid selection test held by the respondents be quashed with the direction to hold fresh selection test. The Tribunal by its order dated 13.10.88 gave an interim direction that any selection or appointments made on the basis of the test already held shall be subject to the result of this application.

2. The interim direction was also to the effect that status quo as on date be maintained.

3. In pursuance to the notice the respondents filed their reply and contested the application and the relief prayed for. The applicants also filed rejoinder to the counter of the respondents.


4. We have heard the learned counsels for the parties. During the course of hearing it was revealed that all the applicants have retired from the post of Assistant Superintendent and they continued to work on ad hoc basis by virtue of interim direction issued by the Tribunal. The relief claimed by the applicants was for quashing of the selection with the direction to the respondents to hold fresh selection test. Now that relief has become infructuous. The applicants cannot take another selection now by virtue of their having superannuated and their pensionary benefits have

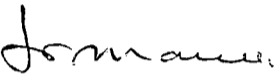
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already been fixed on the basis of last pay drawn.

5. Regarding validity of the selection, it is only a matter of academic interest and we do not think to enter into that controversy since a decision either way will not benefit the applicants at all.

6. In view of the above facts and circumstances the application is disposed of as infructuous leaving the parties to bear their own costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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