

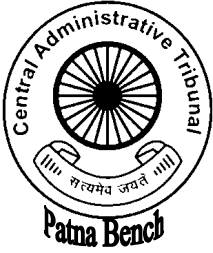
**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

OA No050/00991/2019

Date of order 03.02.2021

CORAM

**HON'BLE SHRI M.C. VERMA, MEMBER [J]
HON'BLE SHRI SUNIL KUMAR SINHA, MEMBER [A]**



1. Kishor Kumar s/o Slate Sukhdeo Prasad, Mohalla-Vishnupur Pakri, P.S. Beur, Anishabad, Patna-1
2. Subodh Kumar shukla. S/o Late Anand Bihari Shukla Mohalla-Par Pokhra, Bahari Begumpur, Patna city, Patna-9
3. Saroj Kumar S/o Sri Maheshwar lal, Mohalla Mitra Mandal Colony, Near Shiv Narayan Chowk, Saket Vihar, Anishabad, Patna-1
4. Manoj Kumar, S/o Sri Gauri Shankar Prasad, Mohalla-New Bengali Tola, Opposite Munna Laodge, Ondira Nagar, Road No.1, patna-1
5. Shashi Ranjan Kumar Pandey, S/o late B.N. Pandey Flat No. 301, Ram Prit Singh Apartment, Gate No.-83, Digha, Patna.

.....Applicant

By Advocate : Shri Jayant Kumar Karn

Versus

1. The Union of India through the Secretary, Department of Telecommunication, Sanchar Bhavan, New Delhi-110001.
2. The Controller General of Communications Accounts, Department of Telecommunications, NICF Campus, Ghitorni, New Delhi-110047.
3. The Senior DDG (PAF), Department of Posts, Headquarter, Dak Bhawan, New Delhi 110001.
4. The Controller of Communication Accounts Government of India, Department of telecommunication, Bihar Circle, 2nd Floor CTO Annexe Building, Patna-800001.

.....Respondents

By Advocate: Shri Bhuneshwar Pandey

O R D E R (ORAL)

Per M.C. Verma, M [Judl.]

1. It is the M.A. No. 166/2020 preferred by applicant Of OA, which is listed for hearing today. The prayer made in the M.A is :- “Your

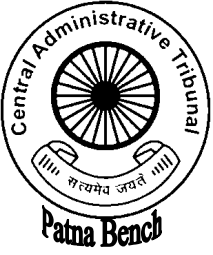
Lordships may graciously be pleased to command and direct the respondent authorities to allow the applicants their appointment on promotion to AAO, in terms of Policy decision as contained in Annexure-II & its implementation as ordered to SC/ST Candidates vide Office order dated 20.01.2020 as contained in Annexure-III at the earliest without any further delay.”



2. Heard. It is inquired from learned counsel that adjudication of the prayer, in its present made in MA would not tantamount to disposal of the O.A. also and learned counsel submits that in fact applicants did appear in LDCE for the post of A.A.O., were declared successful in the written examination but they being aggrieved and hurt by non accommodating of them against the non filled and left out vacancy of A.A.O did prefer the OA. That according to respondents, applicants were not coming into the merits for appointment, to the extent of available posts and thus they were not appointed and were kept in waiting list but now having taken note of policy, which is Annexure A/II of the M.A., and penal of wait listed candidates is being prepared for appointment against the remaining vacancies and applicants are hopeful that they would be appointed through this new panel. He referred to Para 21(iv) of Annexure A/II. Learned counsel for respondents submits that this O.A. has become infructuous, hence it may be disposed of.

3. Para 21(iv) of Annexure A/II. Stipulates : “ *As per the RRS in vogue the recruitment to AAO cadre is through LDCE, the waiting list so prepared as above may be used to fill up all the resultant vacancies arising after 2018 till the conducting of the next LDCE or outcome of the court case filed or exhaustion of the merit list, whichever be earlier, as a*

special measure in dispensation of. ” Inviting attention to its text and the prayer portion of OA, it is inquired from learned counsel that if the respondents has already taken decision for appointment then whether this O.A has not become infructuous and learned counsel fairly answered that the O.A. has become infructuous but applicants are apprehending that perhaps they would not be appointed as they have filed the case. He requests that this O.A. may be disposed of with liberty to applicants to file afresh another OA, if they feel aggrieved after implementation of aforesaid policy.



4. In view of the said submission, the M.A No. 166/2020 as well O.A is disposed of on ground of having become infructuous. No costs.

(Sunil Kumar Sinha) M (A)

(M.C. Verma) M [J]

/mks/