

Central Administrative Tribunal
Principal Bench: New Delhi.

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Regn. No. OA-134/90

Date of Decision: 28.2.1990.

Shri Radhey Shyam

.... Applicant.

Versus

Union of India & Ors.

.... Respondents.

For the applicant

.... Shri B.S. Mainee,
Advocate.

For the respondents

.... Shri Inderjit Sharma,
Advocate.

CORAM: Hon'ble Shri T.S. Oberoi, Member (Judicial).
Hon'ble Shri I.K. Rasgotra, Member (Administrative).

JUDGEMENT (ORAL)

(Delivered by Hon'ble Shri I.K. Rasgotra)

Heard the learned counsel for the parties. The learned counsel for the respondents submitted that due to the stay order granted by the Tribunal on 25.1.1990, the respondents are not able to fill up certain posts of Class IV employees. The respondents have already appointed 14 persons out of 30 who qualified in the written test held on 29th May, 1988. Only 16 persons out of 30 who had qualified in the written test remained to be appointed. The learned counsel for the respondents brought out that the results of the written test had to be cancelled in view of the Railway Board's instructions dated 31.1.1961. These instructions escaped the notice of the competent authority when the test was ordered to be organised.

2. We are not going into the merits of the case at this stage in view of the submissions made by the learned counsel for the applicant that the test was ordered ~~in fact~~ by a senior officer (Head of the Department) of the Northern Railway. Having held an open test for filling up the posts of Class IV and having declared the results, it was incumbent on the respondents to have absorbed the qualified persons against the existing vacancies for which the test was held.

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3. Having regard to the above circumstances, we direct that the remaining 16 qualified candidates who were declared successful in the written test, should be given first preference for appointment against the existing vacancies. Although the OA-134/90 has been admitted, there ^{remains} ~~remains~~ nothing ~~remains~~ to be adjudicated upon in the OA. Hence, the same stands disposed of on the above lines with no order as to costs.

I. K. Rasgotra

(I. K. Rasgotra)
Member (Admn.)

T. S. Oberoi

(T. S. Oberoi)
Member (Judl.)