

## CENTRAL ADMINISTRATIVE TRIBUNAL

## ALLAHABAD BENCH

THIS THE 10TH DAY OF APRIL, 2002

Original Application No.206 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

Sudhir Kumar Rai, Son of  
 Shri ram Niwas Rai, Sectional  
 Engineer/P.Way/spl. N.railway  
 Kanpur, R/o 29-A Old Railway  
 Station, G.T.Road, Kanpur.

... Applicant

(By Adv: Shri Anil Kumar)

## Versus

1. union of India through  
 General Manager(P)  
 Northern railway, Baroda House,  
 New Delhi.
2. Divisional Railway manager(Engg)  
 Northern Railway,  
 Divisional railway Manager's Office  
 Northern Railway Allahabad.

... Respondents

ALONG WITH OA No.308 of 1997

1. Chandrabhan mishra, Son of Late  
 Yadunath prasad Mishra  
 A/a 32 years, R/o House No.163  
 Type IV, Railway Colony  
 District Fatehpur.
2. Vijoy Kumar Sharma, Son  
 of Shri Ramashish Sharma, a/a 34 years  
 C/o Sri S.K.Singh, Qr, No.173  
 Lukerganj, Luker Road, Allahabad.

... Applicants

(By Adv: Shri Anil Kumar)

## Versus

1. Union of India through  
 General Manager(P), Northern  
 Railway, Baroda House, New Delhi.

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2. Divisional Railway Manager(Engg)  
Northern Railway, Divisional  
Railway Manager's Office  
Allahabad.

... Respondents

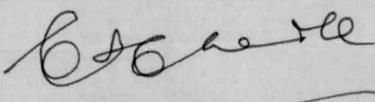
(By Advs: S/Shri Lalji Sinha/A.K.Gaur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI, V.C.

In both the above cases applicants were serving as PWIs. They were not allowed to appear in the examination for Assistant Engineer Group 'B' service by the impugned order on the ground that they were not in railway regular service on the cut off date hence they are not eligible to take part in the selection. This Tribunal by interim order granted permission to the applicants to appear in the examination provisionally by order dated 11.3.1997(OA No.206/97) and by order dated 29.7.1997 in(OA 308/97). Learned counsel for the respondents have submitted that the applicants appeared in examination but they failed to qualify in the test held on 8.4.1997. In the circumstances, these OAs have been rendered infructuous.

Both the OAs are accordingly dismissed as infructuous. However as the reason for which the applicants were not allowed to appear has not been considered on merits, this order shall not come in the way of the applicants if similar controversy arose in subsequent occasion. There will be no order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 10th April, 2002

Uv/