

(Open C)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 26th day of May, 2004.

Original Application No. 1124 of 1998.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.  
Hon'ble Mr. S.K. Hajra, Member-A.

1. K.N. Jha a/a 51 years S/o Sri Badri Nath Jha
2. B.M. Sarwat a/a 53 years S/o Lat B.P. Sarawat

Both working as Depot Store Keeper Gr. III,  
Diesel Locomotive Works, Varanasi.

.....Applicants

Counsel for the applicants :- Sri Sudhir Agarwal  
Sri S.K. Mishra

V E R S U S

1. Union of India through the Secretary,  
M/o Railways, New Delhi.
2. The General Manager/General Manager (P),  
Diesel Locomotive Works, Varanasi.
3. The Store Controller, Diesel Locomotive Works,  
Varanasi.
4. Dy. Chief Personnel Officer, Headquarter,  
Diesel Locomotive Works, Varanasi.
5. Dy. Store Controller (Depot),  
Diesel Locomotive Works, Varanasi.
6. Sri R.K. Tiwari
7. Sri Mohan Lal
8. Sri A.K. Verma
9. Sri J.B. Singh

All presently working as Depot  
Store Keeper Gr. III, D.L.W.,  
Varanasi.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

The applicants appeared in the written test held

(P.S.)

on 02.09.1998 for selection to the post of Store Keeper Grade-II pursuant to the notification dated 09.08.1998. The result of the written test was declared on 30.09.1998 in which the applicant could not qualify for being called for interview. Challenge herein is to the validity of the order dated 30.09.1998 which <sup>is</sup> ~~in fact~~ the list of candidates who qualified for viva-voce test. Since the applicants failed in the written test and could not qualify for interview, no exception can be taken to the impugned order which is infact a list of candidates who were declared successful in the written test and who had qualified for viva voce test.

2. Sri S.K. Mishra, learned counsel for the applicants however, submits that certain candidates including respondents No. 6 to 9, who were not eligible, were permitted to appear in the written test and, therefore, the impugned order dated 30.09.1998 is liable to be set aside. We are not impressed by the submission made by the learned counsel. The applicants infact participated in the written test and did not challenge the notification dated 09.08.1998 and now ~~deserted from~~ after the declaration of the result they are ~~started~~ <sup>also</sup> challenging the validity of the notification. In view of the judgment of Om Prakash Shukla Vs. Akhilesh Kumar (A.I.R 1986, 1043), it may be pertiently said that after the interview was held, the final result was declared and promotions were made on 27.10.1998 which order is not under challenge in this O.A and on that ground ~~only~~ <sup>also</sup> the applicant is not entitled for the relief.

3. The O.A is accordingly dismissed with no order as to costs.

*Sanjay Kumar*  
Member- A.

*R V J*  
Vice-Chairman.

/Anand/