

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 23rd day of April, 2004.

Original Application No. 404 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member - A.

Aijaj Ahmad Khan a/a 46 years. S/o Late Amir Ahmad Khan
R/o E.W.S 197, Neem Sarai, Allahabad (UP).

.....Applicant

Counsel for the applicant :- Sri R.K. Singh

V E R S U S

1. The Secretary, Railway, New Delhi.
2. The Divisional Superintendent (P),
North Eastern Railway, Lucknow.
3. Divisional Railway Manager,
North Eastern Railway, 10-Ashok Marg, Lucknow.
4. Union of India through the General Manager
(Mahaprabandhak) North Eastern Railway, Gorakhpur.
5. Union Minister of Railway, Govt. of India,
Rail Bhawan, New Delhi.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The applicant herein has prayed for issuance of a direction to the respondents to appoint him on a suitable post according to his qualification under the loyal quota scheme. Earlier also the applicant had instituted O.A No. 1554/2002 which was dismissed as withdrawn vide order dated 23.01.2003. It has been submitted by the learned counsel for the applicant that the earlier O.A was withdrawn on the assurance given by the respondents that the case of the applicant would be considered according to law. A perusal

of the order dated 23.01.2003 passed by the Tribunal in the earlier O.A indicates that it was dismissed as withdrawn so that the applicant may pursue his claim before the authorities. It is not disputed that scheme visualising appointment under the loyal quota has since been abolished and, therefore, we are of the view that no mandamus ~~can~~ ^{can't} be issued commanding the respondents to appoint the applicant under the loyal quota which no longer subsists. The applicant would have got the appointment under loyal quota scheme on fulfilling the conditions under the scheme but when the scheme ~~is not~~ longer subsists, the question of issuance ^{itself no} ~~it~~ ^{of} a direction to the respondents to appoint the applicant under loyal quota does not arise.

2. It may be pertinent to observe that the applicant had been making representation since 1976 that is much before the formation of the Tribunal, ~~as~~ ^{and therefore,} on the ground of delay also, the O.A is liable to be rejected.

3. The O.A is accordingly dismissed at the admission stage it self with no order as to costs.

Dhara
Member- A.

RAG
Vice-Chairman.

/Anand/