

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.913 OF 2004

ALLAHABAD, THIS THE 28th DAY OF FEBRUARY 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A

Yogendra Singh, aged about 32 years,
S/O Shri Gir Raj Singh,
R/O Village-Naigarhi,
Post-Mirkia, Tehsil-Kheragarh,
District-Azamgarh.

..... Applicant

By Advocate : Shri Rakesh Verma

Versus

1. Union of India through the Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Commander Works Engineer,
Military Engineering Service,
Military, Agra Cantt.
3. The Garrison Engineer,
Military Engineering Service,
Kheria, Agra.

..... Respondents

By Advocate : Shri S. Singh

O R D E R

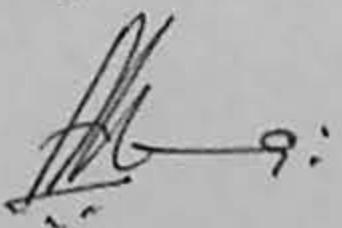
HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

This application is filed seeking direction to the respondent no.2 or 3 for issue of offer of appointment in favour of the applicant on the post of Meter Reader and to appoint him giving seniority from the date of order of the Tribunal dated 24.03.2004 passed in OA No.1042/1997. Since the respondents have not acceded to the request of the applicant this OA is filed.



2. On notice, the respondents have filed the counter affidavit stating that the OA which the applicant refers for taking his relief was dismissed on 24.03.2004 by this Tribunal and having regard to the interim order passed earlier, the orders were passed by the respondents for making a temporary arrangement and subsequently suitable orders are passed by the respondents, the same is produced in the supplementary affidavit regarding the said post. The learned counsel for the respondents have filed the supplementary affidavit on 16.08.2007 and sought for the dismissal of this OA.

3. We have heard the learned counsel for the applicant and the learned counsel for the respondents and perused the pleadings and the materials on record. On perusal of the relief claimed by the applicant, the said relief cannot be granted because the post has been kept vacant based on the interim order passed in the OA NO.1042/1997 by which the respondents have kept one post vacant in the panel which was notified for selection. When the interim order was finally not continued and the OA was dismissed, the benefit of the interim order passed in OA No.1042/97 cannot be granted to the applicant. Subsequently after the disposal of the OA the competent authority i.e. the respondents have taken a decision with regard to the said post and the necessary orders to that effect was also passed on 16.08.2007. In view of the said order, which is administrative in nature and with regard to

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the policy decision of the department, we cannot have a scope to interfere and to say anything with regard to the same. Having regard to the order passed by the respondents on 16.08.2007 the applicant has no case on merit and cannot be granted any relief.

4. In view of the foregoing reasons, this OA is dismissed. No Costs.


Member-A
Member-J

/ns/