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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1602 OF 2005

ALLAHABAD THIS THE 30TH DAY OF MAY 2007

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

Manoj Kumar Sharma,
Son of Hari Prakash Sharma,
Resident of Village and Post Behta,
District-Etah.

.Applicant

By Advocate : Shri Alok Sharma

Versus

1. Union of India,
through Secretary,
Ministry of Railway,
New Delhi.
2. Union of India through General Manager,
Northern Central Railway,
Allahabad.
3. Rail Karmik Adhikari North Central Railway,
Allahabad.

.Respondents

By Advocate : Shri A. K. Sinha

O R D E R

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

This application is filed seeking direction to the respondents for consideration of his representation dated 10.06.2005, as the respondents have not replied for the same, hence this Original Application is filed.

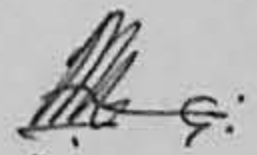
2. On notice the respondents have filed the Counter Affidavit admitting the fact that the applicant has



undergone the Apprentice Training in the year 1997 and further they have stated that there is no vacancy for recruitment of Stenographers (Group 'C' Post) Electric Loco Shed, Kanpur and as such there is no question of engaging the applicant, and further the recruitment of stenographer is done through the agency of Railway Recruitment Board, the applicant is at liberty to apply to the advertisement for recruitment of stenographer whenever it is advertise. It is further stated that the repeated representations after 1998 will not be a ground for condonation of delay in filing this application and the application is a belated one and as such the same be dismissed.

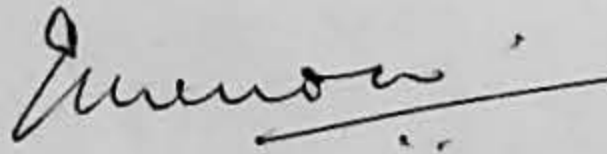
3. We have heard the learned counsel for the parties and perused the pleadings and materials on record.

4. Having regard to the fact that the applicant has undergone the Apprentice training from 14.07.1997 to 13.07.1998 cannot by itself give right for the applicant to get an employment in the respondent's department, and, therefore, as submitted by the respondents there is no post vacant, and there is no recruitment in the said post for which the applicant is seeking an employment, even though the appointment will be done in the respondents department through the Railway Recruitment Board at that time the applicant is at liberty to apply for the same is the contention advanced by the learned counsel for the respondents based on the Counter Affidavit filed. We accept the

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said contentions of the respondents in view of the said statement having regard to the facts and circumstances of the case as the applicant does not have any subsisting enforceable right seeking an employment against the respondents based on the representation, in that view of the matter, we do not find any merits in the contention of the learned counsel for the applicant and as such the applicant has not made out a case for the relief claimed and accordingly, this Original Application is dismissed with no order as to costs.



Member-A



Member-J

/ns/