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Before,

The Hon'ble Central Administrative Tribunal,  
ALLAHABAD BENCH.

Registration No.1245 of 1986 (T)

Abhiman

Vrs.

Union of India.

The Plaintiff-applicant begs to submit  
as follows:-

1. That the plaintiff filed suit no.86 of 1984 against holding of Test for the post of Office Superintendent (II) without calling the plaintiff to appear at the said test which was rejected by the lower court, whereupon he filed Misc. Appeal No.145 of 1984 in which the appellate court of District Judge of Varanasi granted ad-interim injunction against holding of Test for the post of Office Superintendent, Gr.II, vide order dated 12th April, 1984, which was continuing when the original suit and the appeal were transferred to this hon'ble Tribunal, whereby they were numbered as 1245/86 (T).

2. That when the defendants- Railway Administration failed in its efforts, to bypass the plaintiff, the result of the suitability test wherein the plaintiff had been successful for the post of Senior Clerk vide panel dated 21st of July, 1982 and 6th Sept., 1982, were cancelled vide order dated 25th Aug., 1984. This was intended to cut the root of the plaintiff's claim for exclusion in the suitability test for the post of Office Superintendent, Gr.II as the claim was based on the panel for Senior Clerks, dt. 21st July, 1982 and

Varanasi  
S.O. (Transfer)  
Put up before  
court for orders on  
date fixed with  
P.P.

  
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6th Sept., 1982, First test was also proposed in this order.

3. That the plaintiff was therefore, compelled to file original suit no. 738 of 1984, challenging the said order dated 25th August, 1984, praying for injunction against holding of fresh Test for the post of Senior Clerk. The lower court rejected the ad-interim injunction application but the appellate court in Misc. Appeal No. 53 of 1985, granted the ad-interim injunction against holding a fresh test vide order dated 14th Feb., 1985. The injunction was continuing when the original suit no. 738 of 1984 along with Misc. Appeal No. 53 of 1985 was transferred to this hon'ble Tribunal. They were numbered as Regn. No. 45/86 (T) and 1610/85 (T).

4. That the two cases Nos. 1245/86 (T) and 45/86 (T) were fixed on the 23rd Jan., 1987 before the Bench No. 2 of the hon'ble Tribunal. The counsel for the plaintiff had not come on that date and documents were filed by the plaintiff in person along with application for condoning the delay in that respect

5. That the hon'ble Tribunal was pleased to admit the documents and fixed 28th April, 1987 for hearing but vacated the ad-interim injunction in Misc. case as well as in other cases on the request of the defendants.

6. That as would be apparent from the facts stated above, that the Railway Administration is

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bent upon mischief.

7. That it is therefore, apprehended that the taking advantage of the vacation of ad-interim injunction, the Railway Administration would make a show<sup>of</sup> holding a test for ~~Senior Clerk~~ <sup>Os. gr. II</sup> and declare passed of its favourites and fill up the posts thereby nullifying the cases and make them infructuous.

8. That the plaintiff would be put to irreparable loss and un-necessary complications would be created hempering the finalisation of the cases. It may be mentioned here that so far no test has been ordered but the same may be ordered on any day.

9. That the cases are now ripe for argument but they are fixed for 28th April, 1987, which is still far away.

In the above circumstances, it is respectfully prayed that this hon'ble ~~tribunal~~ may be pleased to pass suitable order restraining the defendants Rly. Administration from holding test for Office Superintendent, Gr. II till the disposal of the cases so that justice may be done.

Dt. 9, Feb., 1987

Abhimanyu  
Applicant

*John Al*