

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO. 662 of 1987

Radhey Shyam Mehrotra Applicant
Versus
The Union of India & others..... Respondents.
Hon. Ajay Johri -AM
Hon. G.S. Sharma - JM

Shri Prabodh Gaur, the learned counsel for the respondent files reply today. Copy of which has already been served on 14.1.1988. Nobody is present on behalf of the applicant.

2. This application has not been made against any particular order. But the applicant has challenged the action of the respondent in not promoting him and fixing his seniority according to the judgment of the High Court of Judicature at Allahabad dated 29-3-1976. By this judgment, the Allahabad High Court had allowed the petition partly and directed the respondent no. 1 and 2 to call the petitioner to appear in suitability test held for promotion to the post of Assistant ^{3/4 Public} Permanent Way Inspector. The petitioner was also entitled to his costs. The learned counsel for the respondent has said in his reply filed today that the post of Assistant Permanent Way Inspector (not Public Way Inspector) is a selection post and three selections were held. First selection was held in 1978 in which the applicant did not appear in the written test. The second selection was held in October, November, 1980 and third one in May 1983. In both these selections, the applicant failed to qualify and therefore, he could not be considered for promotion and therefore, the relief prayed for seeking the direction to the ~~xxxxxx~~ opposite party to fix his seniority and to promote him does not arise.

3. At page 24 of the application, notice under

Section 80 C.P.C. issued by the learned counsel for the applicant on 16.12.1985 to the respondents. In this notice also, the attention of the respondent was drawn to the judgment of the Allahabad High Court in the Writ Petition no. 6854 of 1971, which judgment, we have quoted above. Since in view of that judgment, the applicant has already been given reasonable opportunities to qualify the selection post and he has failed to qualify. The applicant has no cause of action now. The application is also time barred. We do not find this to be a fit case for adjudication. The application, is, therefore, dismissed. The parties will bear their own costs.

Shahid

MEMBER(J)

Shahid

MEMBER(A)

Dt/13.4.1988/
Shahid.