

(Am) 3

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

...

Registration O.A. No. 1251 Of 1988

Nikhil Sahai ... Applicant

versus

Union of India and ors... Respondents

Hon' D.K. Agrawal, J.M.

Hon' K. Obayya, A.M.

(by Hon' D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals' Act, 1985, has been filed on 1-11-1988, seeking relief in the following terms:

" The respondents be directed to declare the result and in case the applicant is found to be successful be posted thereby interpolating his seniority according to merit in the panel. "

2. Briefly, the facts are that the applicant alleging himself to be a resident of District Kanpur applied for non-technical category (25) in response to employment notice no.2/80-81 issued by the Railway Recruitment Board, Bombay, V.T., appeared in the written examination and viva-voce test in the year, 1981. His grievance is that the result has not been declared.

3. The Opposite Party i.e. Chairman, Railway Recruitment Board, Bombay, has filed a counter affidavit, pleading that the result of category no.25 of Employment Notice No. 2/80 - 81 was declared in the month of December, 1986; that the candidates who were successful were given individual intimation; that the application is barred by time, in as much as, the result was declared in December, 1986 and the application was

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made in February, 1988; that the applicant was not successful; that therefore, there was no occasion for notifying his name or sending individual communication to him.

4. The applicant has not filed rejoinder affidavit as directed by an order dated 30-7-90. On the date fixed for hearing on admission i.e. 19-11-90, neither party nor their counsel appeared.

5. We have taken into account the pleadings of the parties. We are of the opinion that this case is liable to be dismissed at the admission stage itself. The reasons are as follows.

6. Firstly, the application has been filed with delay, in as much as, the result was declared in December, 1986 and the application was filed on 1-11-88. Secondly, there is no reason on record to disbelieve the contents of counter affidavit of the Chairman, Railway Recruitment Board who has specifically stated that the applicant was not successful. Thirdly, the applicant cannot derive any benefit from the notification Annexure-4 dated 6-6-1988 for the simple reason that it contains the roll numbers of 165 candidates who were required to appear again before the Recruitment Board. Admittedly, the applicant's roll number was not notified. It implies that the applicant was not called for interview again. The said notification also indicates that the result of 2431 successful candidates was declared in December, 1986. Thus, we are of the opinion that this application is frivolous and as such, rejected at the admission stage itself.

[Signature]
MEMBER (A)

[Signature]
MEMBER (J)

(sns)
November 21st, 1990
Allahabad.