

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 15th day of November, 2000

CORAM :- Hon'ble Mr. Rafiq Uddin, Member- J.  
Hon'ble Mr. S. Biswas, Member- A.

Orginal Application No. 1173 of 1993

Surendra Prasad Srivastava, s/o Sri Bhagawan Prasad  
Srivastava, R/o Pipraich, Distt. Mahara jgang  
Working as Head Clerk in the office of C.P.O.,  
N.E.R. Rly. Gorakhpur.

..... Applicant

Counsel for the applicant:- Sri B. Tewari

V E R S U S

1. Union of India through General Manager,

N.E.R. Gorakhpur

2. Chief Personal Officer, N.E.R. Gorakhpur

3. Sri T.N. Mishra, Janitor, C.P.O Officer ,

N.E.R. Gorakhpur.

..... respondents.

Counsel for the respondents :- Sri D.C. Saxena

Q R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

The applicant has challenged the selection of Sri  
T.N. Mishra, respondent No.3 for the post of Jenitor  
in the scale of Rs. 1600-2660/- in the office of C.P.O.,  
N.E.R. Gorakhpur vide order dt. 09.06.99 issued by C.P.O.,  
respondent No. 2.

2. Briefly stated the case of the applicant is that vide notification dt. 07.04.93 it was notified that screening will take place for the post of Jenitor amongst the Head Clerks working in the scale of Rs; 1400-2300/- . The applicant alongwith respondent No.3 appeared in the screening proceedings and vide impugned order dt. 09.06.93 the respondent No. 3 was declared as selected <sup>claims that</sup> Jenitor. The applicant being senior most employee in the grade of 1400-2300/- and highly qualified than the respondent No. 3 without any any adverse remarks in his service record, he was most suitable for the post and the selection of the respondent No. 3 has been wrongly made.

3. We have heard the parties counsel and perused the records.

4. It has been pointed out by the learned counsel for the respondents that once the applicant has appeared in the selection process he can not be challenged the same ~~without being~~ <sup>without being</sup> pointed out and ~~some~~ <sup>some</sup> irregularities ~~is~~ <sup>is</sup> pointed out in the selection. It is however, been pointed out by the learned counsel for the applicant that in his representation dt. 21.06.93 addressed to the G.M. (P), N.C.R, Gorakhpur, the applicant had clearly questioned the ~~legality~~ <sup>legitimacy</sup> of the respondent No. 3 to appear in the selection process because he had not completed 2 years service which was essential for consideration to the selection in question. ~~has been~~ This fact however, not pleaded by the applicant in the present case. Learned counsel for the applicant therefore submits that respondent No. 1 may be directed to consider and dispose of his representation which has been rejected vide order dt. 26.07.93 without speaking order and points raised by the applicant in his representation has not been considered.

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5. We therefore disposed of this O.A with the direction to the applicant to file a fresh representation within one month to the G.M, N.E. Rly., Gorakhpur who will consider and dispose of <sup>the same</sup> by speaking order within one month from the date of representation of the applicant.

6. There will be no order as to costs.

SA —  
Member - A.

Rajendra  
Member - J.

/Anand/