

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of April 2002.

QUORUM : HON. MR. C. S. CHADHA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 1782 of 1994.

1. Hemant Kumar Sharma s/o Sri Murlidhar Sharma r/o 149/6, Tanki Wala Hata, Mashihaganj, Sipri Bazar, Jhansi.
2. Shailendra Kumar Bhagwat s/o Manohar Rao Bhagwat r/o 119, Panchkuiyan, Jhansi..... Applicants.

Counsel for applicants : Sri R.K. Tewari.

Versus

1. Union of India through Ministry of Railways, New Delhi.
2. Divisional Railway Manager, Central Railway, Jhansi.
3. Senior Divisional Personnel Officer, D.R.M. Office, Central Railway, Jhansi.
4. Senior Divisional Signal & Telecommunication Engineer, Central Railway, Jhansi.
5. Smt. Rekha Bhardwaj, Jr. Clerk, Sr. DSTE Office C.R.Jhansi.
6. Smt. Madhuri Srivastava, Jr. Clerk, Dy.CSTE(C), CR. Jhansi.
7. Sri Kabal Singh, Sr. Clerk, CSI(C), CR, Jhansi.
8. Sri N.C.S. Kaimal, Jr. Clerk, CSI(C), Jhansi C.R.
9. Sri Surendra Pal Singh, Jr. Clerk, C.T.I/M/AGC, CR, Jhansi.
10. Sri P.D. Richharia, Jr. Clerk, CSI ORI, CR, Jhansi.
11. Rajendra Kumar Agarwal, Jr. Clerk, ASTE(MW), CR, Jhansi.
12. Sri Mohan Singh, Jr. Clerk, Dy. CSTE(C), CR, Jhansi.
13. Yogendra Kumar Tiwari, Jr. Clerk, SR.DSTE Office, CR Jhansi:
..... Respondents.

Counsel for respondents : Sri A.V. Srivastava.

O R D E R (ORAL)

BY HON. MR. C. S. CHADHA, A.M.

Vide this O.A., the applicants have sought relief to the effect that the respondents be directed to hold a suitability test for promotion to the rank of senior clerk in view of the letter dated 17.2.94 and further ~~with~~ the

B. S. Chaddha

results declared of the said examination as per letter dated 31.8.94 be not given effect to. The main ground for relief that applicant was not informed about holding of the supplementary test on 2.7.94 and 6.8.94. Without going into the correctness of this allegation that he was not informed, the main issue to be decided is whether the lack of any such ~~in~~ ^{or} ~~prejudice~~ information has caused injustice to the applicant. We would consider ~~in~~ giving relief provided he passed in the subsequent tests and such relief could have been granted from retrospective effect had it been proved that he was indeed not informed of the earlier tests.

2. Counsel for the respondents has brought it to our notice that after 1994, the tests have been held every six months and each time the applicant has not bothered to appear for the suitability test and, therefore, he is not entitled to any relief on that ground. The respondents are willing to consider him at any subsequent test and giving promotion if successful from the date of passing of the test. Since the applicant himself has never bothered to appear at the ~~subsequent~~ ^{said} ~~onwards~~ tests after the test, the validity of which has been challenged, he has no ground for relief. The O.A. is, therefore, dismissed as being without any merits.

No order as to costs.

J.M.

Asthana/
24.4.02

A.M.