

Open Court

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This the 17th Day of May, 2000.

Coram: Hon'ble Mr. S. Dayal, Member (A.)

Hon'ble Mr. Rafiq Uddin, Member (J.)

Miscellaneous Application No. 190 of 2000

In

Civil Contempt Application No. 5007 of 1999

In

Original Application No. 471 of 1992

Balbir Kumar Batta
aged about 37 years
son of Sri Har Charan Lal Batta,
resident of 156, Chauryana,
Jhansi.

. . . Applicant.

Counsel for the applicant: Sri R.K. Nigam, Adv.

Versus

1. Union of India through General Manager,
Central Railway, Mumbai, CST.
2. Chief Personnel Officer, Central Railway,
Mumbai CST.

. . . Respondents.

Counsel for the Respondents: Sri A.K. Gaur, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.)

This application has been filed under

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rule 24 of the C.A.T. (Procedure Rules 1987) seeking direction to the respondents to implement the order of this Tribunal passed in bunch of O.As. The leading O.A. being O.A. No. 375 of 1992 between S.K. Dixit Vs. Union of India and others. O.A. 471 of 1992 between V.K. Batta Vs. Union of India and others is a part of bunch.

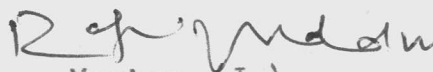
2. In order dated 9.2.93 a division bench of this Tribunal had directed as under:-

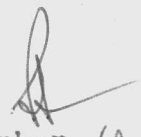
" Accordingly, the application is allowed and the respondents are directed to hold an enquiry into the matter associating the applicant with the same and in case no foul play on his part is found, the applicant should not have been deprived of his appointment because someone has been found guilty. The enquiry should be completed within three months from the date of communication of this order. In case, the entire examination has been cancelled and none of those who appeared in the examination got the appointment, then the applicant will have no case of his appointment. But in case, some appointments have been made and every case has to be decided on merits as indicated above, the enquiry about the applicant's case may be made within three months from the date of communication of this order. In case, some of the persons are required to appear in viva-Voce test and their written examination is accepted, but has not been cancelled, they may appear in the Viva-Voce examination. This is a part of the selection itself and in case they succeed, their result may be declared and they may be given appointment accordingly. The applicant stands disposed with these directions. No order as to costs."

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3. The respondents have filed counter affidavit in which they have stated that they had obeyed the orders of the Tribunal and had called ^{the applicant} / before High Powered Committee on 8.7.93. The High Powered committee was appointed in pursuance of order dated 14.2.91 of Mumbai Bench of Central Administrative Tribunal directing the Railway Administration to appoint a High Powered Committee . By their order in Civil Appeal No. 1821-31 of 1994, the Apex Court upheld the recommendations of High Powered Committee which did not recommend appointment/selection of any of the candidates. In addition to the fact that the order of the Allahabad Bench of the Tribunal has procedurally been dealt with in accordance with the directions of Mumbai Bench of the Tribunal, ~~and~~ the directions of Allahabad Bench ^{of} had become incapable/being implemented.

4. In view of the order of Mumbai Bench, subsequently ~~re~~ratified by the Apex Court, the application is also barred by limitation as laid down by the Apex Court in Hukam Raju Kinsvara Vs. Union of India and others reported in 1994 S.C.C. 284. Thus we find no merit in this Miscellaneous Application and dismiss the same.


Member (J.)


Member (A.)

Nafees.