

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 51 of 2002.

this the 4th day of June'2002.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Abdul Qayum, a/a 50 years, S/o late Abdul Gani, R/o S-17/
131, Nadeshwar, Varanasi.

Applicant.

By Advocate : Sri K.K. Misra.

Versus.

1. Union of India through General Manager, N.R., Baroda House, New Delhi.
2. D.R.M., N.R., Hazratganj, Lucknow.
3. Divisional Mechanical Engineer (power), N.R., Hazratganj, Lucknow.
4. Loco Foreman, N.R., Varanasi.

Respondents.

By Advocate : Sri A.K. Gaur

O R D E R (ORAL)

BY HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has prayed that directions be issued to the respondents to delete his name from the selection issued vide impugned order dated 30.11.2001, passed by the respondent no.2.

2. Sri K.K. Misra, learned counsel for the applicant has invited our attention to the order dated 29.8.95 (Annexure A-1 to the O.A.) by which the respondents have conveyed their decision accepting the permanent refusal of the applicant for promotion to the post of Shunter to Driver Goods. In spite of this, the name of the applicant to appear in the examination to be held as per the letter

dated 30.11.2001 (Annexure-2 to the O.A.) has been shown at sl. no. 14. The examination was postponed and by letter dated 29.5.2002 the list of eligible candidates has been issued in which the name of the applicant stands at sl. no. 3 under the head BSB-shed. The list has been filed alongwith M.A. No. 2568 of 2002.

3. ~~Mr. Ram Singh, brother of holder of~~ Sri A.K. Gaur, counsel for the respondents resisted the claim of the applicant and submitted that since the earlier examination for which the relief has been sought, has already been cancelled, the present O.A. has become infructuous and the issuance of the new list, which has been filed alongwith M.A. no. 2568/2002 is a fresh cause of action for which the applicant should seek the relief on the original side.

We have perused the record

4. We have perused the record of the case and also given due consideration to the submissions of the learned counsel for the parties. We have also perused the order of the respondents dated 29.8.95 (Annexure-1). On perusal of the order, it is clear that the competent authority has accepted the permanent refusal of the applicant for the post of Driver Goods, ^{in response} this decision of the respondents is pursuant to the application of the applicant dated 16.8.95.

5. The O.A. is finally disposed of with a direction to the respondents to delete the name of the applicant from the list of eligible candidates for appearing in the selection for the post of Driver Goods. No costs.

6. Copy of this order be given to the counsel for the parties within 48 hours.


MEMBER (J)


MEMBER (A)

GIRISH/-