

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

ORIGINAL APPLICATION NO. 1555 OF 2003

THIS THE 11th DAY OF MARCH, 2005.

HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN

Chaube Lal,
Aged about 25 years,
S/o Sri Munni,
R/o Purani Bazar,
Pura Mufti,
Allahabad.

.....Applicant.

By Advocate: Sri Rakesh Verma

Versus

1. Union of India, through the Secretary,
Ministry of Defence,
(A.Wingh), New Delhi.
2. The Air Officer Commanding-in-charge,
Nagpur Maintenance Command,
Nagpur.
3. The Air Officer Commanding,
24, Equipment Depot, Manuari,
Allahabad.

.....Respondents.

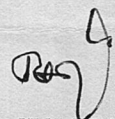
By Advocate: Sri Gyan Prakash.

O R D E R (ORAL)

In this case Counter affidavit was filed on 3.12.2004, but no Rejoinder affidavit ^{has} ~~have~~ been filed sofar. Sri Rakesh Verma, learned counsel for the applicant submits that despite repeated letters, the applicant is not responding and therefore, he could not file Rejoinder affidavit. It would appear from the material available on record that the applicant had earlier instituted O.A. no. 736 of 2001, which was disposed of with the direction to the competent authority to consider the case of the applicant for appointment on

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the post of Ani Maleria Luscar on casual basis for the year 2001 on preference basis, 'if he was selected' in the earlier selection in the year 2000. On Review petition, it was clarified that the claim of the applicant would be considered on preference basis against the new entrants, but not against those having notional seniority^y over the applicant. The applicant, according to the respondents, was allowed ~~him~~^{to} to appear in the test for the season 20003 as preferential candidates pursuant to the order given by the Tribunal, but he failed in the selection and accordingly he could not be appointed for the season 2003. The averments made in the Counter affidavit have not been controverted by the applicant and since the learned counsel for the applicant submits that the applicant is not responding, the O.A. is dismissed in view of what has been stated in the Counter affidavit. No costs.


VICE CHAIRMAN

GIRISH/-