

OPEN COURT
**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD THIS THE 26TH DAY OF AUGUST 2010

Present:

**HON'BLE MR. JUSTICE S. C. SHARMA, MEMBER-J
HON'BLE MR. S.N. SHUKLA, MEMBER-A**

ORIGINAL APPLICATION NO. 39 OF 2003
U/s 19 of the Administrative Tribunal Act 1985

Kifayat Ullah,
S/o Shri Hidayat Ullah,
Working as Junior Inspector Ticket,
Northern Railway, Moradabad

.....Applicant
VERSUS

1. Union of India through General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Moradabad.
3. Senior Divisional Personnel Officer,
Northern Railway, Moradabad.
4. Divisional Commercial Manager,
Northern Railway, Moradabad.

.....Respondents

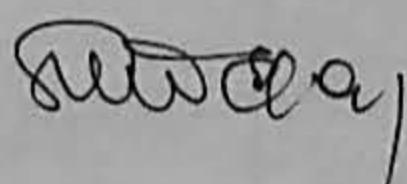
Present for the Applicant: Sri S. K. Om

Present for the Respondents: Sri Prashant Mathur

ORDER

DELIVERED BY HON'BLE MR. JUSTICE S. C. SHARMA, MEMBER-J

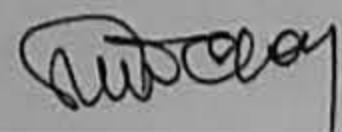
Under challenge is the order dated 13.01.2003 passed by Respondent No.3. Further relief is also for issuing a direction to the Respondents not to change the category of the applicant from Ticket Checking to Booking, Parcel etc. and permit him to appear



in the selection for the post of C.I.T. in pursuance of the notification dated 01.01.2003.

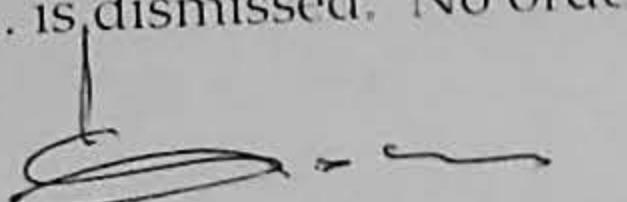
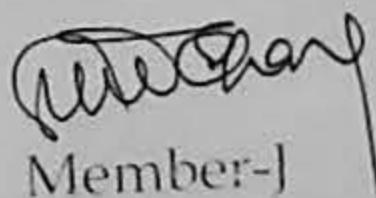
2. We have heard Sri Prashant Mathur, Advocate for the Respondents though Sri S. K. Om is present for the applicant but he stated that he is no more representing the applicant as he has no instructions from the applicant. Sri Prashant Mathur stated that in para 10 of Counter Affidavit it has been specifically stated that "in compliance of the order of this Tribunal dated 17.01.2003 the applicant was again included in the aforesaid selection vide letter No.561E/ET-I-I/TTE/Part-III/03 dated 21.01.2003 and he was declared pass in the written test vide letter No. 561E/ET-I/TTE/Part-III/03 dated 27.01.2003 but could not find place on the panel declared on 03.02.2003. True copies of the letter dated 21.01.2003, 27.01.2003 and 03.02.2003 are hereby marked and annexed as Annexure-R-3, R-4 and R-5 of this reply."

Learned counsel for the Respondents Sri P. Mathur further argued that Rejoinder Affidavit was filed on behalf of the applicant and there was no denial of this fact. Learned counsel further argued that the applicant failed in the examination and his name was not found place in the list of selected candidates. Hence he lost interest and remained absent. We have perused the Annexures as pointed out by learned counsel for the Respondents and we are satisfied that as the applicant's name has not found place in the list of



selected candidates hence he is not appearing and moreover, in view of this development this O.A. rendered infructuous. Earlier the candidature of the applicant was rejected. But by the interim order of this Tribunal applicant appeared in the written examination hence that relief for ~~consideration~~ ^{was} granted to the applicant regarding permission of appearing in the selection process but as he has failed hence there appear no reasons to proceed with this O.A. and it is liable to be dismissed accordingly.

3. The O.A. is dismissed. No order as to costs.


Member-A
Member-J

/ns/