

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 29th day of July, 2009.

PRESENT:

HON'BLE MR.ASHOK S. KARAMADI, MEMBER-J

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

Original Application No.74 of 2003

(U/s 19 of Administrative Tribunals Act 1985)

K.S.Shukla,
S/o Shri Debi Prasad Shukla,
R/o 117/281 Tulsi Nagar Kaka Deo,
Kanpur (UP), Retired on 31.7.2002
from the post of CMC Grade-I
Pay scale Rs.7450-11500
from the Diesel Shed N.E.Railway,
Izatnagar, Bareilly (U.P.) ...Applicant

(By Advocate Shri R.C.Pathak)

Vs.

1. Union of India through the
General Manager, N.E.Railway, Gorakhpur.
2. The General Manager (P),
N.E.Railway, Gorakhpur (U.P.)
3. The Sr. Divisional Mechanical Engineer(D),
N.E. Railway, Izatnagar, Bareilly (U.P)
4. Shri P.K.Sen, ACMT (B),
N.E.Railway, Gorakhpur Cantt.(U.P.)Respondents

(By Advocate Shri K.P.Singh)

ORDER

HON'BLE MR.ASHOK S. KARAMADI, MEMBER-J

Heard the learned counsel for the applicant and the
respondents. This application is filed by the applicant seeking



quashing of the orders dated 20.5.2002, 19.3.2003, 17.8.2001 as per Annexure A-1, A-2 and A-3 respectively. The grievance of the applicant is that with regard to the examination held on 27.4.2002, the subject Plastic and Account Paper was not included in the syllabus and therefore, the examination and the subsequent result dated 20.5.2002 are liable to be quashed and the applicant be declared successful and be placed above the junior i.e. Respondent No.4.

2. Learned counsel for the respondents stated that, having the applicant participated in the examination held on 27.4.2002 and thereafter the results were declared, subsequently, he made a representation on 4.7.2002 which is not permissible, and seeking direction to the respondents to entertain individual prayer as claimed by him, as the respondents acted in the best interest of the administration. The applicant has already retired from service on 31.7.2002 and as such, the reliefs which the applicant has sought in this O.A. cannot be granted.

3. We have heard the submissions made by the learned counsel on both sides and perused the entire material on record. It is the admitted fact that the applicant has participated in the examination held on 27.4.2002, the result of the same was declared on 20.5.2002, he made a representation on 4.7.2002 with regard to his grievance, and it is the admitted fact that the



applicant has superannuated from service on 31.7.2002. That being so, since the applicant has appeared in the examination, made a representation on 4.7.2002 after the results were declared on 20.5.2002, cannot be held to be proper and acceptable in the eye of law. Whereas, the grievance of the applicant should have been brought to the notice of the respondent department prior to the date of conducting the examination or before he is appearing in the examination. So, in the absence of any material contrary to the same, having regard to the conduct of the applicant, the nature of the relief sought for by the applicant under the facts and circumstances of the case, we do not find any justification in granting any relief as prayed for by the applicant. Thus, the O.A. is devoid of merit and accordingly we pass the following order.

4. O.A. is dismissed. No costs.

Alphonse
AM

Alphonse
JM

rv