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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

MONDAY, THIS THE 5TH DAY OF FEBRUARY, 2007

ORIGINAL APPLICATION NO.438 OF 2006

HON'BLE MR. K. ELANGO, MEMBER-J
HON'BLE MR. M. JAYARAMAN, MEMBER-A

Mohd. Shahid Khan Son of Late Mohd.
Ismail Khan R/o Nai Abadi Azampada,
Prithvi Nath House No.4A/78 Shahganj,
Agra.

.Applicant

By Advocate : Shri C. Prasad, & Shri N. M. Siddiqui

Versus

1. Union of India through General Manager,
Northern Railway Baroda House, New Delhi.
2. Railway Recruitment Board D-15,
Machna Colony Shivaji Nagar Bhopal-16.
3. Chief Personnel Officer (T) Central Railway
Head Quarters Office Personnel Branch Bombay V.T.
4. Chief Personnel Officer Northern Railway
Baroda House, New Delhi.

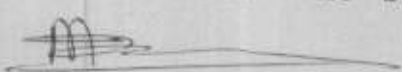
.Respondents

By Advocate :

ORDER

HON'BLE MR. M. JAYARAMAN, MEMBER-A

Heard Shri C. Prasad, counsel for the applicant.
He refers to the letter dated 30.10.1995 by which, the
Central Railway had indicated to him that he was one
amongst the 305 selected candidates for the post of
A.S.M. and that the Chief Personal Officer, Northern
Railway, New Delhi would take further action in the
matter. He says that he was waiting for action but



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did not get any reply or response and he filed O.A. No.1349/05 in this regard, which was subsequently withdrawn. He pleads that in a similar case of Shri Shashi Kant Sinha, the Tribunal has passed order dated 27.11.2002 directing the respondents to consider the representation for appointment and he pleads for similar order/direction in his case also.

2. We have given our careful consideration to the pleadings available on record and also considered the submissions made by the counsel for applicant. We think that this O.A. can be decided finally at the admission stage itself.

3. We find that there is no direct cause of action in this regard against which, the applicant has knocked at the doors of this Tribunal. By order dated 30.11.1995, the Head quarters office Bombay VT Central Railway had informed him that his name was recommended to the Chief Personnel Officer, Baroda House, Northern Railway, New Delhi for arranging appointment of A.S.M. Thereafter, it appears that he had made some representation but when he did not receive anything from respondents, he filed OA in 2005 vide OA No.1349/05, which was dismissed on 17.11.2005, as withdrawn. Now in 2007, he has come back to the Tribunal but he has no letter or order to show against which he has any grievance in the matter. In other words, the facts, which were set out in the earlier OA, ^{continue} ~~draw~~ as such. In view of the above and for the

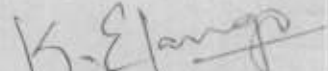
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reasons that there is no direct cause of action, with which, the applicant can be said to be aggrieved of, we are unable to entertain this OA. The cited case of order dated 27.11.2002 is not comparable to the present case and cannot be cited for reliance. In the cited case, the applicant had approached the Tribunal within five years and on the basis of the facts, a suitable direction was issued by the Tribunal, which is not the case here.

4. In the light of what has been discussed above, we find that we are unable to entertain this OA and accordingly, the same is dismissed with no order as to costs.



Member-A



Member-J

/ns/