

IV

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.379 of 1988

Date of decision : August 1, 1990.

Meena Kumari Patra and another ...

Applicants.

Versus

Union of India and another ...

Respondents.

For the applicants ...

M/s.B.L.N.Swamy,  
B.V.B.Das, Advocates.

For the respondents ...

M/s.B.Pal,  
O.N.Ghosh, Advocates.

C O R A M :

THE HONOURABLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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J U D G M E N T

N.SENGUPTA, MEMBER (J) The facts leading upto this case lie in a narrow compass. Admittedly lands were acquired for construction of a Carriage Repair Workshop at Mancheswar. The Railways after acquisition invited applications from the persons whose lands were acquired or their relations for appointment according to their suitability. Some land of Applicant No.2 was acquired and applicant No.1 claiming to be a God relation of Applicant No.2 filed

*Meenakshi*

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an application for appointing her in Mancheswar Carriage Repair Workshop. The case of the applicants is that the Railway Administration did not properly consider the application of applicant No.1 and did not provide her with a job.

2. The case of the Railway Administration is that the applicant No.2 along with others owned lands which were acquired. Applicant No.1 was first called to appear at a test which was held in the year 1982 but she did not come. Later in October, 1984 she appeared at a test but could not succeed, that is how the applicant No.1 could not be given an employment.

3. We have heard Mr. B. L. N. Swamy, learned counsel for the applicants and Mr. B. Pal, learned Senior Standing Counsel (Railways) for the respondents. On a perusal of different annexures, particularly Annexure-R-1, we find that the applicant No.1 who was assigned serial No. 30/1 in the Government list, had failed in the test. A person who cannot pass a test cannot claim to be employed. This is sufficient to dispose of the case by saying that the applicants cannot maintain this application. In view of this position we do not like to enter into discussion of the points raised with regard to the merits of the contentions of Mr. Pal about any other person having got employment.

4. This application stands dismissed but without any costs.



*Banerji*  
..... 1, 8, 90  
Vice-Chairman

Central Adminn. Tribunal,  
Cuttack Bench, Cuttack.  
August 1, 1990/Sarangi.

*Healapali*  
..... 1, 8, 90  
Member (Judicial)