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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

Original Application. No. 282/2007

Date of order: 11th September, 2008

Hon'ble Mr. D.Sankaran Kutty, Judicial Member.

Hon'ble Mr. Tarsem Lal, Administrative Member.

Manjeet Singh, s/o Shri Balwant singh, aged 36 years, Travelling ticket examiner, North Western Railway, Marwar Junction, District, Pali, R/o 12/F Railway Colony, Near Railway Station, Marwar Junction, District Pali.

: applicant.

Rep. By Mr. Vijay Mehta : Counsel for the applicant.

Versus

1. Union of India, through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Workshops, Ajmer.

: Respondents.

Rep. By Mr. Salil Trivedi : Counsel for the respondents.

ORDER.

Per Mr. Tarsem Lal, Administrative Member.

Mr. Manjeet singh has filed O.A. No. 282/2007, under Sec. 19 of the Administrataive Tribunals Act, 1985, and prayed for the following relief:

"The applicant prays that order Annex.A/1 may kindly be modified/quashed qua the applicant and the respondents may kindly be directed to place the name of the applicant in list 'A' and to take examination of the applicant and consider his candidature for promotion. Any other order, as deemed fit, giving relief to the applicant may also be passed. Costs may also be awarded to the applicant."

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2. It is seen that in this case on 29.10.2007, the following interim order was passed by this Tribunal:

" In view of the facts stated in para 4.10r/w para 4.7 of the O.A (viz. the name of the applicant being at sl. 37(just below the name of one Shri Navab F. Josef in the seniority list dated 10.03.2003/annex. A/6, applicant has prima facie case. If he is not allowed to appear in the examination for selection of Head Travelling Ticket Examiner (HTTE) scheduled on 30.10.2007, applicant is likely to suffer irreparably. Balance of convenience is also lies in favour of the applicant, in as much as ignoring his candidature at this stage, is bound to cause serious repercussion - putting applicant in jeopardy- and loss caused impossible to compensated in future.

Accordingly we direct the respondents (including its officers employees, servants, agents, etc.) to permit the applicant to appear in the aforesaid examination scheduled on 30.10.2007 or on the postponed date, if any. It is made clear that appearance of the applicant and its result shall be subject to further orders passed in O.A."

3. The learned counsel for the applicant has explained that he has been wrongly placed in list 'B' of Annex. A/1. He further submitted that as per the interim order of this Tribunal he participated in the examination, but he was not successful and therefore the relief claimed for promotion has become infructuous. The applicant has now prayed that his name may be considered for including in List 'A' instead of list 'B'. He also prayed that this prayer still survives.

4. In view of the above position, the applicant is directed to make representation bringing ^{out} ~~on~~ all the relevant facts to the respondents within 10 days from the date of receipt of a copy of this order. The respondents are directed to take action within four weeks from the date of receipt of such representation to be made by the applicant and pass an appropriate order. The outcome of the consideration of the representation of the applicant may be communicated to the applicant.

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5. In case they are not able to accede to the request of the applicant, they are directed to pass a detailed speaking order. The above exercise may be completed within a period of two months from the date of receipt of such representation to be made by the applicant.

6. With the above observation the O.A is disposed of .

7. No order as to costs.

Tareem Lal

[Tareem Lal]
Administrative Member.

Jsv.

D. Sankaran Kuttu

[D.Sankaran Kuttu]
Judicial Member.

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Part II and III destroyed
in my presence on 15/12/14
under the supervision of
section officer (J) as per
order dated 19/8/2014
Section officer (Records)