

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 248/2010  
WITH  
MISC. APPLICATION NO. 145/2010**

**DATE OF ORDER: 02.08.2011**

**CORAM:**

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER  
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Mohammad Ayub Khan S/o Shri Mohammad Hasim, aged 47 years, Refrigerator Mechanic in the office of the Garrison Engineer, Army (Utility), Jodhpur, R/o Shantipura, Jodhpur.

...Applicant.  
Mr. Vijay Mehta, counsel for applicant.

**VERSUS**

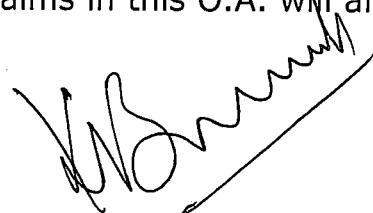
1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Army, Jodhpur.
3. Garrison Engineer, Army (Utility), Jodhpur.

... Respondents.

Mr. M.S. Godara, proxy counsel for  
Mr. Vinit Mathur, counsel for respondents.

**ORDER  
(Per Dr. K.B. Suresh, Judicial Member)**

Heard learned counsels for both the sides. In fact, the crux of the matter is covered by the order dated 14.07.2011 passed by this Bench of the Tribunal in **OA No. 101/2009 - Mohammad Ayub Khan vs. Union of India & Ors.** The findings and the reliefs granted in that O.A. reaches out and is co-terminus with the crux of this Original Application as well. After examination of both the Original Applications, the learned counsel for the respondents, Shri M.S. Godara, points out that in fact the entirety of the claims in this O.A. will also be satisfied by

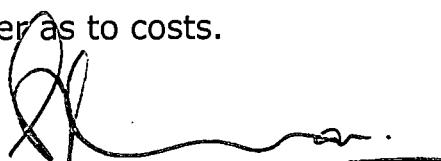


the reliefs granted in the said Original Application as well. But since this Original Application was filed much before the resolution of the earlier Original Application, this Original Application also came up for hearing now. Since the crux of the matter has already decided, we reiterate that substantial findings and reliefs in the said Original Application will also operate here in this Original Application as well, as rightly pointed out by Shri M.S. Godara, the learned counsel for the respondents. There is nothing more to be adjudicated further.

2. Shri M.S. Godara, the learned counsel for the respondents, further pointed out that those who have passed in the first attempt only in the first trade test conducted alone are entitled for the benefit as a slight deviation. But this point was already considered in the earlier Original Application also. If at all by any mistake on the part of the respondents, the applicant could not participate in a trade test, then it cannot be held against the applicant. It is trite law that for the fault of another, the victim cannot be further victimized.

3. The Original Application is, thus, allowed to the limited extent as stated above. The Misc. Application is also disposed of.

No order as to costs.

  
(SUDHIR KUMAR)  
ADMINISTRATIVE MEMBER

  
(DR. K.B. SURESH)  
JUDICIAL MEMBER