

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 71/2010**

**Date of order: 03.12.2010**

**CORAM:**

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

Sudesh Singh Chouhan S/o Shri Nand Kishore Ji, by caste Rawat, aged 43 years, R/o Rawato Ka Bas, Behind Bihari Lal Ji Temple, Jodhpur.

...Applicant.

Mr. Nitin Trivedi, counsel for applicant.

**VERSUS**

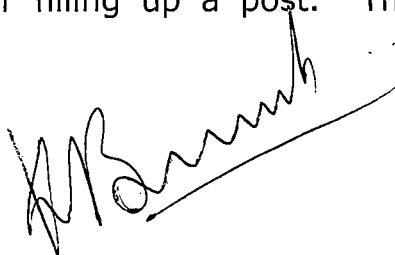
1. Union of India through the Secretary, Finance Ministry (Department of Audit), Government of India, New Delhi.
2. The Comptroller & Auditor General of India, Ministry of Finance, Government of India, New Delhi.
3. The Accounts Examination Officer (Administration-I), office of Chief Accounts Officer (Civil Accounts Exams), Janpath, Jaipur (Rajasthan).
4. The Director, Accounts & Audit Exams, North Western Railway, Head Quarter Office, Jaipur.
5. The Assistant Director, Traffic & Construction Audit Office, North Western Railway, Jodhpur.

... Respondents.

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

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

In January, 2010, the respondent-department invited applications for filling up a post. The applicant had by then



become over-aged by 13 years. He was a casual labourer in the same department for a span of time, which is a much less than the 13 years. But his grievance is that the said post has been in existence for the last 20 years and had the respondents taken effective and timely action on the post on that relevant point of time then he could have also applied. It may be right that had the respondents been more vigilant in notifying the post, in all probability, the applicant could have applied but if the applicant believed that he had a right to that post or for consideration for appointment to that post, he should have come to Court much before the 20 years' time. At this point of time, we are unable to agree that the applicant would have a subsisting grievance. Hope, however, high, cannot become a legal grievance; there is no merit in the Original Application. Thus, the O.A. is dismissed. There shall be no order as to costs.

  
**(SUDHIR KUMAR)**  
**ADMINISTRATIVE MEMBER**

  
**(DR. K.B. SURESH)**  
**JUDICIAL MEMBER**

nlk