CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No.110/2011

Date of decision:30.07.2012

HON'BLE Mr. G. SHANTHAPPA, JUDICIAL MEMBER,
HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER.

Vikram Singh Tomar S/o Shri Ramesh Singh Tomar, aged about 28 years, R/o House No.3, Behind Roadways Bus Stand, Phalodi, District Jodhpur, at present employed on the post of Signal Maintainer-I at Phalodi Junction Railway Station under Senior Section Engineer (Signal), East Jodhpur, North Western Railway.

: Applicant

Mr. J.K.Mishra, counsel for applicant.

Versus

1. Union of India through General Manager, North-Western Railway, Hqrs. Jaipur Zone, Chainpura, Jagatpura, Jaipur, Rajasthan.
2. Chief Signal and Telecommunication Engineer, North-Western Railway, Hqrs. Jaipur Zone, Chainpura, Jagatpura, Jaipur, Rajasthan.
3. Assistant Personnel Officer, NWR, Jodhpur Division, Jodhpur.
4. Senior Divisional Signal and Telecommunication Engineer, NWR, Jodhpur Division, Jodhpur.
5. Shri Rajendra Kumar Meena, Signal Maintainer-II, through the Principal Indian Railway Institute of Signal Engineering & Telecommunication (IRISET), Secunderbad (AP).
6. Shri Prameshwar Kumar, Signal Maintainer-II, through the Principal Indian Railway Institute of Signal Engineering & Telecommunication (IRISET), Secunderbad (AP).

.....Respondents

Mr. Vinay Jain, counsel for respondents No.1to4.
Mr. Ankur Mathur, proxy counsel for
Mr. Kuldeep Mathur, counsel for respondents No. 5&6.

ORDER (ORAL)

Per G. Shanthappa, Judicial Member

We have heard the learned counsels for the respective parties.

2. The above OA is filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief of challenging the order dated 15.04.2011 (Annexure-A/1), may be declared illegal and the same may be quashed, and further relief of direction to the official respondents prepare the selection panel afresh for the post of Junior Engineer (Signal) on the basis of overall merit of the candidates.

3. The official respondents, after service of notice, have issued an order dated 10.02.2012, in which they have withdrawn the earlier selection panel, and they wanted to go for fresh selection. It is relevant to extract the order dated 10.02.2012, which is as follows:-

> " सक्षम अधिकारी के अनुमोदन से कनिष्ठ अभियन्ता/सकल वेतनबैण्ड 9300–34800 + 4200 ग्रेड पे जिनका इन्टरमिडियट कोटा के तहत दिनांक 05.01.2011 को लिखित परीक्षा एवं दिनांक 25.03.2011 को पेपर स्क्रीनिंग के पश्चात दिनांक 15.04.2011 को पैनल जारी किया गया था, को चयन प्रक्रिया में कुछ अनियमितता हो जाने के कारण इस कार्यालय के समसंख्यक पत्र दिनांक 15.04.2011 के द्वारा जारी किए गए पैनल को निरस्त किया जाता है। तदनुसार संबंधित कर्मचारियों को सूचित किया जावे।
>
> उपरोक्त पद हेतु चयन कि प्रक्रिया शीघ्र की जा रही है।"

4. The learned counsel for the applicant submits that consequent to withdrawal of the selection, a direction should be

given to the official respondents to conduct a fresh panel based on earlier examination and service records of the concerned. Learned counsel for the official respondents opposed it and submits that when the selection itself is withdrawn then how to prepare a panel from the earlier selection.

5. Since the official respondents want to go for fresh selection, this Tribunal cannot give any direction to prepare the panel from the earlier selection. Learned proxy counsel appearing for the private respondents submits that they filed a separate OA challenging therein their grievances, and since they have already filed the OA, which is pending for consideration before this Tribunal. Since the official respondents have withdrawn the impugned order dated 15.04.2011 (Annexure-A/1), we deemed not observe anything on the withdrawing the order dated 10.02.2012. The official respondents have their discretionary powers, how to conduct the test and prepare a fresh panel as per Rules.

6. Since the order dated 15.04.2012 (Annexure-A/1) has been withdrawn by the official respondents, the relief in the OA has become infructuous. If the applicant has any grievance subsequent to fresh selection or panel, he is liberty to approach this Tribunal in future. Disposal of this O.A. will not come in the way of the private respondents to pursue the OAs filed them.

7. With above observations, the OA is dismissed as infructuous.

[B.K.Sinha]
Administrative Member

[G. Shanthappa]
Judicial Member

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6/8/12
Darshan Jain

3/8/12