

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. M.A. 373 of 1999
(O.A. No. 147/1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

PROVAT KUMAR DAS AND ANR.

VS.

UNION OF INDIA AND ORS.

For the applicants : Mr. B. Chatterjee, counsel

For the respondents : Mr. T.D. Roy, counsel

Heard on : 05.08.99

Order on : 05.08.99

O R D E R

D. Purkayastha, J.M.

Heard ld. counsel for the applicants Mr. B. Chatterjee. Mr. T.D. Roy appears for the respondents by filing fresh vakalatnama.

2. According to the applicants, the Tribunal vide its order dated 4.2.99 in M.A.No.434/1997(O.A. 147/1997) directed the respondents to keep two posts vacant and ~~not to fill up~~ ^{said} ~~the~~ posts in question till disposal of the original application. But the respondents called the applicants to appear in the selection test for the post of Section Engineer(Wagon Shop) vide their notification dated 17.6.1999. It is stated by the applicants that they appeared in the said selection test in 1997 and now the department again directed ^{them} to appear in such selection test for second time inspite of the fact that there is a specific order of the Tribunal directing the respondents not to fill up two posts of Section Engineer till disposal of the O.A. It is further stated by the applicants that the respondents are holding such selection test ignoring the order passed by the Tribunal on 4.2.1999. Feeling aggrieved by and dissatisfied with the said action of the respondents the applicants sought for direction upon them not to hold any fresh selection for the posts in question i.e. Section Engineer(Wagon Shop) RP.97 against ranker's

quota ; in alternative a direction for not to hold any further selection for the applicants or allow the applicants to appear in the said ~~is~~ selection test without prejudice to the rights and contentions of the application being O.A.No.147/1997.

3. We have considered the submissions made by the 1d. counsels for both sides on that score and we are of the view that there would not be any irreparable loss to the applicants if such order of injunction as mentioned above and as prayed for by the 1d. counsel for the applicant Dr. Sinha is not allowed at this stage. Thereby we reject the prayer of ~~interim~~ order in view of the order dated 4.2.99 passed by this Tribunal.

4. Accordingly the M.A. is disposed of.

G.S. Maini
(G. S. MAINI)

MEMBER(A)

D. Pukkayastha
(D. PUKKAYASTHA)

MEMBER(J)

S.M.