

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 262/93

Tuesday, this the 8th day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)  
SHRI S.KASIPANDIAN, MEMBER(A)

K. Subramanian,  
Welfare Inspector Gr. I (Retd),  
2/168, 'Rajgit', New Kalpathy,  
Palghat 678 003.

.. Applicant

By Advocate Shri M.R.Rajendran Nair

V/s

1. Union of India, rep. by  
General Manager,  
SR, Madras-3.

2. The Chief Personnel Officer,  
SR, Madras-3.

.. Respondents

By Advocate Shri T.A. Rajan for  
Advocate Shri M.C.Churian.

ORDER

N. DHARMADAN

Applicant relied on earlier judgment of this Tribunal, in which he was also a party along with others and submitted that the benefit of the judgment has not been granted to him. His prayer is based on the direction in the earlier judgment, Annexure-A4.

2. Learned counsel for respondents brought to our notice, an order passed by the Supreme Court in SLP filed by the Department against the earlier judgment. The judgment is extracted below:-

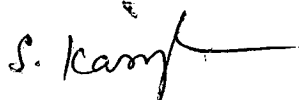
" We agree with the learned Additional Solicitor General that the date of eligibility has to be seen on the last date for inviting the applications. Eligibility subsequent to that date is of no consequence. We are of the

view that the Tribunal was not justified in extending the date of eligibility beyond the last date of the receipt of the applications. Learned Additional Solicitor General has fairly informed us that the Tribunal's judgment in respect of these two respondents has already been complied with. In this view of the matter, we are not inclined to take away the benefit given to the respondents. We make it clear that if any of the two respondents has not cleared the examination, the question of appointing them does not arise.

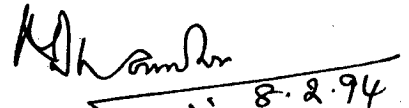
With these observations, the special leave petitions are disposed of."

3. It is made clear in that judgment that if any of the two respondents (petitioners in O.A. 266/89) has not cleared the examination, the question of appointment does not arise. In that case there were two applicants and out of the two, one applicant has cleared the examination and his case is covered by the judgment of the Supreme Court. The other applicant cannot get the benefit of the judgment of this Tribunal. Hence, the applicant cannot claim any relief.

4. In this view of the matter, we dismiss the application. There will be no order as to costs.



( S.KASIPANDIAN )  
MEMBER(A)



( N.DHARMADAN )  
MEMBER(J)

v/-