

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.319/2002.

Thursday this the 1st day of July 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER  
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

K.Chandran, Technician Gr.III  
(Diesel -Mechanical,  
Diesel Loco Shed, Southern Railway,  
Ernakulam. Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India, represented by  
The General Manager,  
Southern Railway, Headquarters Office,  
Park Town P.O., Chennai-3.
2. The Divisional Railway Manager,  
Southern Railway, Trivandrum-14.
3. The Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum-14. Respondents

(By Advocate Shri Thomas Mathew Nellimootttil)

The application having been heard on 1st July, 2004,  
the Tribunal on the same day delivered the following:

O R D E R

**HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER**

The applicant, a member of the Scheduled caste Community while working as Technician Gr.III(Diesel-Mechanical) under the 3rd respondent has applied in furtherance of A-7 notification for the post of Diesel Assistant. In A-7 notification the age restriction was applied, which is challenged by the applicant and this O.A. has filed for not considering him for selection seeking the following reliefs:

- a) Call for the records leading to the issue of Annexure A-7 and quash the same to the extent it prescribes that the age limit of 40 years is to be satisfied as on 30.4.2002 even for the 5 SC vacancies originally notified in Annexure A3 and later included in A7.

b) Declare that the applicant is eligible to be considered for promotion to the post of Diesel Assistant against the 5 SC vacancies notified in Annexure A-3/A-7 and direct the respondents to consider and grant the consequential benefits accordingly.

2. Shri TC Govindaswamy appeared for the applicant and Shri Thomas Mathew Nellimootttil appeared for the respondents. As per the interim order dated 17.5.04 this Court directed the respondents to consider the applicant for selection to the post of diesel Assistant on a provisional basis, which will be subject to the outcome of the O.A.

3. Today when the matter was taken up, learned counsel for the respondents submitted that he has filed an additional reply statement stating that the applicant was provisionally considered and permitted to appear in the examination, but failed. The relevant portion of the additional reply statement is quoted as follows:

"As per the interim order dated 17.5.20002 this Hon'ble Tribunal had directed the respondents to consider the applicant also for selection to the post of Diesel Assistant provisionally subject to the outcome of the Original application. In pursuance of the orders, the applicant was also permitted to take part in the written examination for selection to the post of diesel Assistant held on 10.8.2002. Totally 14 employees attended the written examination. Out of the said 14 employees, only one employee, namely N.Ajithkumar(UR), Technician-III/Mechanical/Trouble Shooting Point/Trivandrum under Chief Crew Controller/Trivandrum has secured the requisite qualifying marks to be called for the viva voce test. Accordingly, the 3rd respondent has issued letter No.V/P 608/VI/DAT/Vol.III dated 29.8.2002 publishing the result of the written examination and alerting the employee, who had secured the qualifying marks, for the viva voce test. a true copy of the said letter is produced herewith and marked as Annexure R-2. The applicant has not secured the requisite qualifying marks to be called for viva-voce test.

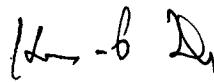
3. Since the applicant has not been qualified for selection, learned counsel for the respondents submitted that the O.A. has become infructuous.



4. Learned counsel of the applicant also submitted that the O.A. may be closed without making any observation on the merits of the case.

5. Accordingly, the O.A. is dismissed as infructuous. In the circumstance, no order as to costs.

Dated the 1st July, 2004.



H.P.DAS  
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN  
JUDICIAL MEMBER

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