

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**M.P. No. 2855/2008 in Dy.No. 2717/2008**

This the <sup>20th</sup> day of January, 2009

**Hon'ble Mr. M. Kanthaiah, Member (J)  
Hon'ble Dr. A. K. Mishra, Member (A)**

1. Murari Lal aged about 49 years son of Sri Shivmurti resident of Village and Post Maghar, District Sant Kabirnagar.
2. Raksha Ram aged about 46 years son of late Cheda Lal resident of Kausia Bazar Mohal, Babaganj, Gonda.
3. Krishna Gopal aged about 36 years son of late Ram Laut resident of village Pachaura, Post Biaya Pokhan, District- Basti.
4. Raj Karan aged about 48 years son of Pitai resident of Surya Tula Pasian Ka Purwa, Post Sandal District- Rai Bareilly.
5. Upendra Prasad Mandal son of Baijdhyan Mandal, working as Pointman, North Eastern Railway Biswan, District- Sitapur.

Applicant

By Advocate: Sri K.R.Ahirwar

**Versus**

1. Union of India, through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Lucknow.
3. Senior Divisional Operating Manager, North Eastern Railway, Lucknow.
4. Senior Divisional Personnel Officer, North Eastern Railway, Lucknow.
5. Sri Avadhesh Prasad, Assistant Personnel Officer III, Divisional Railway Manager (C.P.), Lucknow.

Respondents

By Advocate: Sri Deepak Shukla for Mr. Prashant Kumar.



ORDER

HON'BLE DR. A.K. MISHRA, MEMBER (A)

This application has been made against the order dated 10.6.2008 issued on behalf of respondent No. 4 (Ann. 1) and communicated to him along with letter of respondent No.5 (Ann. 1A) dated 12.6.2008. The impugned letters have been issued in response to the petition filed by the applicants under Right to Information Act.

2. Under paragraph "Relief Sought", the applicants have prayed for a direction to quash the impugned letters at Ann. 1 and Ann.1A issued by a person who, according to him, was not competent in the matter. In paragraph 8 (ii), they seek for a direction that the applicants should be allowed to appear for Psychological test once again while in sub-para 8(v) , they submit that the applicants should not be subjected to psychological test again as they have already qualified in one psychological test in their career at the time of promotion as Pointsmen.

3. The point for consideration is whether the application is maintainable or not.

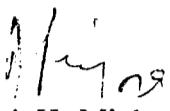
4. Admittedly, the order challenged is one which has been passed under Right to Information Act. If the applicants are aggrieved with this order, they could file an appeal under the said Act before the prescribed Appellate forum under the Act. Instead of doing that, they have filed this application for a relief which can only be given by the appellate authority under the said Act.

5. Further, sub-paragraphs 8 (ii) and 8(v) are mutually contradictory . Once in para 8(ii), the applicants are seeking a relief that they should be allowed to appear for Psychological test once again they could not take a different position in para 8 (v) that no such psychological test was necessary in their respect as they had already cleared such a test at the time of promotion as



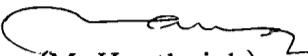
Pointsmen. The applicants are not clear about the relief , they are seeking in this application.

6. For the aforesaid reasons, we find that this application is not maintainable, hence dismissed as not maintainable. No costs.

  
(Dr.A.K. Mishra)

Member (A)

HLS/-

  
(M. Kanthaiah)

Member (J)

2.01.09