

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 454/2010

This the 28th day of October, 2010

Hon'ble Mr. Justice Alok Kumar Singh, Member-J
Hon'ble Mr. S.P. Singh, Member-A

Jai Prakash Sharma, Aged about 48 years, S/o Sri Bhagwati Prasad Sharma, R/o II-55-D CPH Railway Colony, Alambagh, Lucknow.

.....Applicant

By Advocate: Sri R.K. Singh

Versus

1. Union of India through General Manager, N.R., Head Office, Baroda House, New Delhi.
2. Chief Works Manager, N.R., Locomotive Workshop, Charbagh, Lucknow.
3. Senior Section Engineer, N.R., Loco Shop, Charbagh, Lucknow.

.....Respondents

By Advocate : Sri B. B. Tripathi for Sri N.K. Agarwal.

ORDER

By Justice Alok K Singh, Member-J

Heard the learned counsel for the applicant as well as learned counsel for all the respondents and perused the material on record.

2. This Original Application has been filed seeking a direction to allow the applicant to appear in the examination of Junior Engineer-II Intermediate Apprentice under 25% quota in pursuance of notification dated 14.7.2010 issued by respondent no.2.

3. It is said that the applicant is presently working as Technician Gr.II. According to rules, the official can compete the aforesaid departmental examination upto the age of 47 years. Unfortunately, the applicant has become over age by about one year. Learned counsel for the applicant further submits that for the last about ten years no departmental examination has been held, although it was

notified twice; once in the year 2003 and secondly in the year 2007, but for some reasons, both these examinations were cancelled. He, therefore, submits and rightly so that, thus, he has been deprived of his valuable right without any fault on his part. The applicant has nevertheless submitted an application in a prescribed format (Annexure-4). But on account of above impediment, his candidature is not likely to be considered. More-over 13 persons including the applicant have also made a representation dated 1.8.2010 to the authorities concerned after the notification dated 14.7.2010, It is still pending. It is submitted that it is a fit case in which relaxation should be given by the respondents.

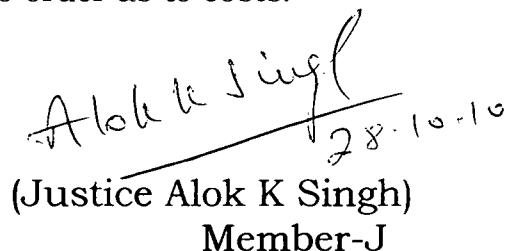
4. Learned counsel for the other-side says that no proof has been brought on record to show that the representation dated 1.8.2010 (Annexure-7) has been got received by the respondents.

5. In view of the aforesaid facts and circumstances, it is stands to reason that the copy of representation dated 1.8.2010 (Annexure-7) be got served upon the respondent no.2 at the earliest say within 10 days from today and the said representation may be disposed of by the authorities concerned by passing a reasoned and speaking order prior to holding of departmental examination and accordingly it is so ordered.

6. The O.A. is accordingly disposed of. No order as to costs.



(S.P. Singh)
Member-A



(Justice Alok K Singh)
Member-J