

11.01.96

Hon'ble Mr. K. Saha, Member (A)

.....

Heard the learned counsel for the applicant Mr. J.P. Shukla. The post of EDBPM, Kahua, Jagdishpur is to be filled up by the respondent no.5, for which a requisition was sent to the Employment Exchange, Dharbanga. The prayer in this application is that, although the applicant sent his application by regd. post to the Employment Exchange on 12.12.1995, the same has been delivered belatedly on 15.12.1995, whereas, the last date for receipt of such application was 13.12.1995. The submission is that the applicant fulfills all the requisite qualifications and this <sup>application</sup> has been deliberately delivered to the Employment Exchange belatedly by interested parties. It is also submitted that the applicant has submitted a complete set of application before Respondent no.5 directly under Regd. cover and it is understood that it has been received in the Office of respondent no.5 on 13.12.1995, the due date.

2. The prayer in this application is ~~that~~ for issue of direction to the respondents so that the applicant is also permitted to appear at the interview to be held on 12.01.1996 for consideration <sup>for appointment</sup> to the post of EDBPM, Kahua, Jagdishpur.

3. This is a Division Bench case, but, having regard to the fact that no Division Bench is available and there is no likelihood of <sup>a</sup> Division Bench within a couple of days, I take up the matter.

4. Considering the submission of learned application for a requisition to the respondent no.5, the same may be filed within two weeks thereafter. Respondent no.

Recd. & Acctd. of application  
Recd. 11/1/96  
Sikandar  
11/1/96

Received of Two  
Regd. post  
to Regd. post  
Office to Regd. post  
through Respondent SV.S.C.  
is kept in file  
Ans. 11/1/96

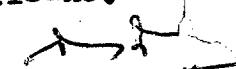
to be filed within two days.

5. Considering the urgency of the matter, I further direct the respondents to consider the candidature of the applicant alongwith other eligible candidates in the interview stated to be fixed on 12.01.1996 for the post of EDBPM, Kahua, Jagdishpur as prayed for by the learned counsel for the applicant in Interim Relief.

6. List this case on 01.03.1996 before Registrar for completion of pleadings.

Let a copy of this order be handed over to the learned counsel for the applicant.

SKU

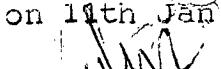
  
(K.D. Saha)  
Member (A)

02/31/01.57 VAM

None for the applicant. List the case

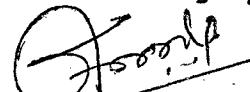
on 01.03.1997 before the Registrar for completion of pleadings as already directed on 11th Jan. '97.

3  
3/1997

  
(V.N. Mehrotra)  
Vice-Chairman

None for the parties. W/s has not yet been filed. Put up on 11.4.1997 for filing W/s.

MPS.

  
(S.P. Sinha)  
Dy. Registrar I/c

in order no. 1 dt.  
6 in OA 8/96  
was attached  
since not  
date  
date  
date  
date

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH PATNA

Order Sheet

OA - 23/96

Application No. 199 in.....

Applicant (s) ..... Respondent (s) .....

Advocate for Applicant (s) ..... Advocate for Respondent (s) .....

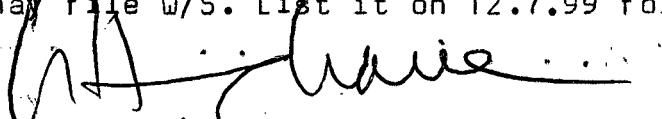
Note of Registry	Orders of the Tribunal
	4./ 27.5.98. Shri R.K. Shukla, the counsel for the applicant. W/S not filed so far by the respondents. Four weeks further time is allowed for the same. Rejoinder may be filed within two weeks thereafter. List it on 26.8.98 for direction.
/CBS/	(L.R.K. Prasad) Member (A) (V.N. Mehrotra) Vice-chairman
	5./ 26.8.98. W/S not filed so far. Four weeks further time is allowed for the same. Rejoinder to be filed within three weeks thereafter. List it on 23.11.98 for direction.
/CBS/	(L.R.K. Prasad) Member (A) (V.N. Mehrotra) Vice-chairman
5/23.11.1998	List it on 1.2.1999 for direction.
MRS.	( L.R.K. Prasad ) Member (A)
6/01.02.99	None for the parties. W/s not filed so far. Four weeks further time allowed for filing W/s. Rejoinder may be filed within two weeks thereafter.
	List on 19.04.1999 for direction.
SKJ	(Lakshman Jha) Member (J)
	( L.R.K. Prasad ) Member (A)

OA - 23/96

7./ 19.4.99. Shri S.K. Bariyar, the counsel for applicant.

W/S not filed so far. Heard learned counsel for the applicant. Let it be fixed for hearing after four weeks hence. In the mean while, the respondent may file W/S. List it on 12.7.99 for hearing.

/CBS/

  
(L. HMINGLIANA)

MEMBER (A)

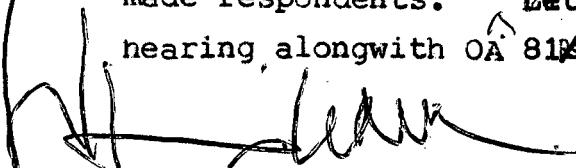
  
(S. NARAYAN)  
VICE-CHAIRMAN

8/12.7.99. Shri R.K. Shukla, Counsel for the applicant.  
None for the respondents.

Learned Counsel for the applicant states that prayer of the applicant for allowing him to appear at the interview, has been allowed and he has also appeared in the same. In this view of the matter there remains nothing in this OA to be decided.

However, there is another case arising out of the OA No. 81/97, also in which the applicant has been made respondents. <sup>In this way of the matter</sup> Let this OA be listed for hearing alongwith OA 81/97 on 26.7.99.

AKJ

  
(L. HMINGLIANA)  
MEMBER (A)

  
(L.J. HA)  
MEMBER (J)

9/31.08.99 For want of time, hearing is adjourned to  
20.09.1999.

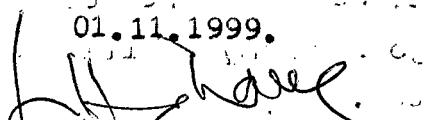
SKJ

  
(L. Hmingliana)  
Member (A)

  
(S. NARAYAN)  
Vice-Chairman

10/20.09.99 For want of time, the hearing is adjourned to  
01.11.1999.

SKJ

  
(L. Hmingliana)  
Member (A)

  
(S. NARAYAN)  
Vice-Chairman

O.A. No.23/96

11/01.11.99 For want of time, the hearing is adjourned to 25.11.1999.

SKJ

(L.Hminglana)  
Member (A)

Sayg  
(S.Narayan)  
Vice-Chairman

12/25.11.99 List on 29.12.1999 for hearing.

SKJ

Sayg  
(S.Narayan)  
Vice-Chairman

13/29.12.99 Shri R.K.Shukla, counsel for the applicant. Shri V.M.K.Sinha, ESC for the respondents. Since this case relates to the matter also involved in OA 81/96, both the cases shall be heard together. Let it be listed again on 10.01.2000 for hearing along with OA 81/96.

SKJ

(L.Hminglana)  
Member (A)

Sayg  
(S.Narayan)  
Vice-Chairman

14/10.1.2000 None for the parties.

As D.B. is not available, list it for hearing on 3.2.2000.

MES.

✓  
( Lakshman Jha )  
Member (J)

OA-23/96

15/3.2.2000

None for the parties.

List it for hearing on 11.2.2000  
alongwith O.A.81 of 1996.

MES.

*AN*  
( Laxman Jha )  
Member (J)

*AN*  
( L.R.K. Prasad )  
Member (A)

16/11.2.2000

Shri S.K.Bariar, the learned counsel for applica  
Shri V.M.K.Sinha, Sr.S.C., the learned counsel fo  
respondents.

On the request made by the learned counsel  
for the applicant adjourned it for hearing on  
15.3.2000 along with OA-81/96.

SKS.

*AN*  
( L. Jha )  
Member (J)

*AN*  
( L.R.K. Prasad )  
Member (A)

17/15.3.2000

None for the parties.

List it for hearing on 19.4.2000.

MES.

*AN*  
( Laxman Jha )  
Member (J)

*AN*  
( L.R.K. Prasad )  
Member (A)

18/19.4.2000      Sh. R.K.Shukla, counsel for the applicant.  
                         Sh. H.P.Singh, ASC, for the respondents.  
                         Sh. S.K.Singh, counsel for Pvt. respondent.

The learned counsel for the respondents submit that the applicant has prayed for issuance of the direction to the respondents to allow him at the interview to be held on 12.1.96 for the post of EDBPM, Kahua, Jagdishpur. He (applicant) has been allowed to appear at the aforesaid interview by an interim order of this Tribunal dated 11.1.96, and the applicant has already appeared in the interview. Accordingly, this OA is infructuous.

We have considered the submission of the counsel appearing on behalf of the parties. In view of the fact that the relief prayed for in the OA has already been allowed by an interim order of this Tribunal, and also, considering the facts that the applicant of this OA is respondents in OA 81/96, in which the matter is essentially and substantially relates to the appointment of EDBPM, Kahua, We are of the considered view that this OA is infructuous. It is accordingly dismissed as infructuous.

AKJ

(L.HMINGLIANA)  
MEMBER(A)

(L.JHA)  
MEMBER(J)