

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, P A T N A

O.A.NO.: 177/96

DATE OF DECISION: 07.06.1996.

CHINTANAND THAKUR : APPLICANT.

Vrs.

THE UNION OF INDIA & ORS. : RESPONDENTS.

COUNSEL FOR THE APPLICANT. : SHRI S.N.CHOWDHURY.

COUNSEL FOR THE RESPONDENTS : SHRI P.K.VERMA.

C O R A M

HON'BLE MR. N.K.VERMA, MEMBER (ADMINISTRATIVE)

ORDER DICTATED IN OPEN COURT

HON'BLE MR. N.K.VERMA, MEMBER (A6):

The agitation in this O.A. is against the impugned order dated 28.02.1996 by which ~~a~~ notice for conducting written examination on 23.03.1996 was issued for the ~~selection~~ of the post of Station Superintendent in the pay-scale of Rs.2,000 - 3200/-. The applicant has assailed this notification on the ground that this examination is being held without filling up the vacancies as per the orders on the restructuring of the post which had to be concluded on or before 1st March, 1993. Notices in this regard were issued to the respondents who have filed a reply thereto in the Registry. Shri P.K.Verma, learned counsel for the respondents brought to my notice that the applicant has already appeared at the test which was notified through the impugned order and as per the result published on 09.05.1996 he has qualified to be called for viva-voce and personality test etc. on 17.05.1996 & 20.05.1996.

Shri Verma also brought to my notice that as per the restructuring order~~s~~ all orders subsequent to 02.03.1993 regarding vacancies arising thereafter had to be as per normal procedure and one selection in this regard has already been conducted prior to one impugned by the applicant and the applicant ~~had~~ at that stage had not agitated against the proposed selection at that time and even after the selections were made. Therefore, the question of applicant agitating against this selection on the ground of non-compliance of the restructuring orders, does not stand this test of any judicial scrutiny and he, therefore, prayed that this O.A. may be dismissed.

2. Shri S.N.Chowdhury, the learned counsel for the applicant stated that he has been representing against the non-compliance of the restructuring orders in the past and the last representation sent in this regard is dated 13.03.1996 (Annexure-A/2). This representation has not yet been replied and the applicant came to the Tribunal on 21.03.1996 with this O.A.

3. I have given careful consideration to the averments and arguments on both the sides. The selections made on the basis of the restructuring orders had to be completed for vacancies arising before 02.03.1993. The applicant had at no point of time agitated against the previous selections in which the applicant was left out. The very fact that he ~~had~~ participated in the examination and has been declared to be successful for viva-voce, takes away the right of the applicant to come to ^{Tribunal} the applicant for seeking further redressal. He has already filed a representation in this regard

for which he has to wait for a reply and then only he will be in a position to agitate his dis-satisfaction, if any. It was brought to my notice that the viva-voce and other tests scheduled to be held on 17.05.1996 & 20.05.1996 have not been held as per the learned counsel for the applicant. This would indicate that the applicant has no cause of action or grievance at this moment.

4. Accordingly, the O.A. is ~~is~~ dismissed as highly premature and not maintainable.


(N. K. VERMA)
MEMBER (A)

SKJ