

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA NO. 511 OF 2005

Patna, dated the 9th August, 2005

CORAM: The Hon'ble Mr. Justice P.K.Sinha, V.C.

The Hon'ble Mr. M. Jha, Member [A]

Vibekanand Kishor

Applicant

By Advocate : Shri H.K. Karn

versus

The Union of India and others

Respondents

By Advocate: Shri R.K. Choubey

ORDER

Justice P.K. Sinha, Vice-Chairman:-


Heard Shri H.K. Karn, learned Counsel for the applicant and Shri R.K. Choubey, learned Additional Standing Counsel for the respondents. This case relates to appointment of one Kailash Bharti to the post of GDSBPM at Basbitta Via Tarapur, District Bhagalpur, in which process this applicant and one Avinash Ranjan were also candidates. This appointment was obviously made in the first part of the year 1999, which is not denied. Thereafter, Avinash Ranjan filed OA 422 of 1999 challenging the appointment of Kailash Bharti, which application was allowed in favour of Avinash Ranjan by order dated 24.2.2004. In para 4.6 of the OA, this applicant has mentioned that while OA 422/99 was going on, he remained spectator, watching the result of the aforesaid OA under the impression that in




the event of success of that OA, all the candidates, including this applicant, could be considered afresh. Therefore, it is obvious that the applicant was aware of filing of OA 422/99 and its pendency, but he remained a silent spectator, as claimed by him, without making any effort to intervene into that application. After success of the applicant in OA 422/99, the applicant has come claiming that Avinash Ranjan was also not qualified.

2. Obviously, applicant had been absolute negligent in seeking the legal remedies and the application itself is time-barred by years together. The applicant, therefore, at this stage cannot come and challenge the order recorded in OA 422/99.

3. In that view of the matter, this application is ~~insane~~ dismissed.


[Mantreshwar Jha]
Member[A]


[P.K. Sinha]
Vice-Chairman

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