

Central Administrative Tribunal, Mumbai Bench

O.A. No. 126/96

Mumbai this the 4th day of September, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (J)  
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

1. V.B. Singh  
working as a Technician  
in o/o Chief Superintendent,  
Central Telegraph Office, Bombay,  
Bombay-400 001.
2. S.M. Dhule  
presently working as Telecom Technical Asst./  
Technician in the o/o Sub Divisional Engineer (Phones)  
O/o General Manager, Telecom, Nasik. ...Applicants

C/o G.S. Walia  
Advocate High Court,  
16, Maharashtra Bhavan,  
Bora Masjid Street, Fort,  
Bombay-400 001.

By Advocate Shri G.S. Walia.

Versus

1. Union of India through  
Chief General Manager,  
Telecom Maharashtra Circle,  
GPO Building, Fort,  
Bombay-400 001.
2. Chief Superintendent,  
Central Telegraph Office,  
Fort,  
Bombay-400 001.
3. Sub Divisional Engineer (Phones)  
O/o General Manager, Telecom, Nasik,  
Maharashtra. ...Respondents

By Advocate Sh. S.S. Karkar

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant has filed this OA under Section 19  
of the Administrative Tribunal's Act, 1985 seeking the following

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reliefs:-

(i) The respondents may be directed by a mandatory Order of this Hon'ble Tribunal, not to count the examination held on 24/25-9-94 as a chance availed of by the applicants when they were sick for the purpose of appearing in the JTOs Competitive examination; and

(ii) Respondents may be directed by an order of this Hon'ble Tribunal to allow the applicants to appear in the ensuing Competitive Examination to be held on 10.2.1996 for the post of JTO and if selected promote them with all consequential benefits.

2. The applicants have submitted that on the basis of some circular issued by the department wherein it is alleged to be stated that for the Ltd. Departmental Examination only 4 chances are allowed to an employee and since applicants could not appear in an earlier examination in the year 1994 and had sent medical certificates so they are apprehending that they may not be allowed to appear in the examination to be conducted in the year 1996, treating the applicants to have availed 1994 chance as the last chance so the applicants have filed the OA and prayed for an interim relief and vide an order dated 7.2.96 the applicants were allowed to appear in the examination which was to be held on 10.2.96 subject to the outcome of the OA.




3. Today the case was taken up for final hearing but before going into the merits whether the applicant had exhausted 4 chances for not appearing in the competitive examination held in the year 1994 as they have sent Medical Certificates. <sup>was to be ascertained.</sup> The counsel for the applicants have submitted that by virtue of the interim order passed on 7.2.96 the applicants had been allowed to appear in the examination conducted on 10.2.96 and since both of them had failed in the examination, so this OA has become infructuous and even one of the applicants have subsequently been promoted under some other scheme.

4. The counsel for the respondents has also produced the departmental record which shows that the applicants could not qualify in the examination held on 10.2.96 so this OA has become infructuous, so the same has to be dismissed.

5. We have also seen the result of 1996 examination produced by respondents and since the applicants have failed so we are of the considered opinion that the OA has become infructuous.

6. In view of the above, OA is dismissed as having become infructuous. No costs.

  
(Smt. Shanta Shastri)  
Member (A)

  
(Kuldip Singh)  
Member (J)

Rakesh