

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 734/94

Date of Decision: 7.7.1999

Shri Prabhakar Yeshwant Desai Applicant.

Advocate for  
Applicant.

Versus

Union of India and others. Respondent(s)

Shri V.D. Vadhavkar. Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to  other Benches of the Tribunal?

*R.G. Vaidyanatha*  
(R.G. Vaidyanatha)  
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Original Application No.734/94

Wednesday the 7th day of July 1999.

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S.Baweja, Member (A)

Prabhakar Yeshwant Desai  
R/o Central Railway Quarters  
K-106/192 3rd floor,  
Byculla, Bombay.

...Applicant.

V/s.

1. Union of India through  
The General Manager,  
Central Railway  
Bombay VT
2. Chief Personnel Officer  
Central Railway  
Bombay VT
3. Chief Security Commissioner,  
Central Railway  
Bombay VT.

... Respondents.

By Advocate Shri V.D.Vadhavkar.

O R D E R (ORAL)

( Per Shri Justice R.G.Vaidyanatha, Vice Chairman )

Case called out for final hearing. Applicant  
and counsel absent. We have heard counsel for the  
respondents and perused the material on record.

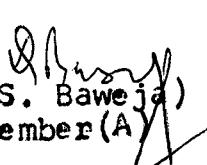
2. The applicant's main prayer in the O.A. is that he may be permitted to appear for selection to the post of Assistant Personnel Officer to be held on 26.5.1994. The applicant was permitted to appear for the said selection by an interim order.



Irrespective of the result of the O.A., we find that the applicant has failed in the examination and there is no question of getting any promotion. The main prayer in the O.A. is for a direction to the respondents to permit the applicant to appear for the selection. The applicant appeared in the test but failed. Therefore strictly speaking nothing survives in the O.A. The learned counsel for the respondents also brought to our notice that the applicant again appeared in the next selection in 1997 and he has since been selected and promoted.

3. There is one more prayer in the O.A. regarding the dispute of seniority. One of the reasons for claiming the seniority is to get eligibility to appear in the examination. Since the applicant has appeared in the examination, the second relief cannot be granted. Even otherwise the applicant has claimed the relief regarding seniority list of 1987 and the O.A. has been filed 7 years later in 1994. It is well settled that the dispute like seniority cannot be agitated after a long lapse of time.

4. For the above reasons the O.A. is dismissed.  
No costs.

  
(D.S. Bawej)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman