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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 30.6.95.

OA 218/94

Amit Kumar Srivastava, Jitendra Sharma, Madan Lal Saini and Miss Vandana Taneja

... APPLICANTS.

VERSIS

1. Union of India through General Manager, Western Railway, Headquarter Office, Churchgate, Bombay.
2. The Divisional Railway Manager, Western Railway, Jaipur.
3. The Sr. Divisional Personnel Officer, Western Railway, Jaipur.

... RESPONDENTS.

CORAM:

HON'BLE MR. O.P. SHARMA, MEMBER (A)

HON'BLE MR. PATTAN PRAKASH, MEMBER (J)

For the Applicants

... SHRI P.V. CALLA.

For the Respondents

...SHRI MANISH BHANDARI

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (A)

In this application, filed u/s 19 of the Administrative Tribunals Act, 1985, applicants, named above, have prayed, as follows :

- "a) By an appropriate order or direction the impugned order dated 4.5.94 (Annexure A-1) may kindly be quashed and set aside.
- b) By an appropriate order or direction the process of selection of the applicants without using 'STOP WATCH' and by unclear voice of speech of dictation, and without observing the fundamental principles, as submitted in Para-6 above, may be declared illegal and set aside.
- c) That the respondents be appropriately directed/prohibited from passing any order of reversion of the applicants in the garb/on the basis of illegal manner of selection and on the basis of the impugned order dated 4.5.94 Ann.A/1.


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- d) That in view of the faulty system of conducting selection, the respondents be appropriately directed to conduct the selection afresh in this matter and to observe the requisite fundamental principles of speed test of stenographers i.e. by using 'STOP WATCH' and commanding by the Observer/Invigilator to the person dictating the matter of test piece at uniform speed of 100 w.p.m. of the applicants and that they shall not call or take the test of candidates contained in List 'B'.
- e) That any other appropriate order or direction, which this Hon'ble Tribunal may deem just and proper, may kindly be issued.
- f) That the application of the applicants may kindly be allowed with cost."

2. We have heard the learned counsel for the parties and have gone through the records. On 18.7.94, an order was passed by the Tribunal to the effect that if any further test is held, the applicants shall be given an opportunity to appear in the said test. The learned counsel for the respondents stated during the arguments that the applicants were given a further opportunity to appear in the test, they have since cleared the test and they have even been granted promotion on the basis of passing of the test.

3. In view of this statement made at the bar by the learned counsel for the respondents, this application has become infructuous and is, therefore, dismissed with no order as to costs.


(RATTAN PRAKASH)
MEMBER (J)


(O.P. SHARMA)
MEMBER (A)

VK.