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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 03.02.97

OA 572/96

Vijay Kumar Sidh, Artisan Thalasi in the Western Railway at Phulera, Jaipur Division.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager (Establishment), Western Railway, Jaipur Division, Jaipur.
3. Senior Divisional Mechanical through Western Railway, Jaipur Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL PRISHIA, VICE CHAIRMAN

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Shiv Kumar

For the Respondents

... Mr.Zakir Hussain, Advocate, brief holder for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.GOPAL PRISHIA, VICE CHAIRMAN


In this Application u/s 19 of the Administrative Tribunals Act, 1985, applicant, Vijay Kumar Sidh, has prayed for insertion of his name in the eligibility list as also for a modification of the impugned order dated 1.10.96, at Ann.A-1, to this extent.

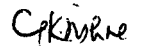
2. We have heard the learned counsel for the parties.

3. The applicant is working as a Helper Thalasi and he had opted for his absorption in the post of Diesel Assistant. It is contended that persons junior to him have been included in the eligibility list and non-inclusion of his name in the eligibility list amounts to discrimination against him. The applicant has, therefore, prayed for insertion of his name in the said list. The written examination scheduled to be held pursuant to notification dated 20.12.96 has not been held. The aforesaid notification has been cancelled. A fresh notification shall now be made and it appears from a communication dated 9.1.97, produced by the respondents and which has been taken on record, that the eligibility list has also been cancelled and a fresh eligibility list shall now be issued by the administration. In view of this development, C.M.M. the cause of action does not survive. The applicant is free to challenge the

6

fresh eligibility list, if he is aggrieved by the same. The present OA is dismissed as having become infructuous. No order as to costs.


(O.P. SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK