

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 20.7.2004

OA 540/2003

with

MA No. 65/2003

1. R.C. Meena son of Shri Gulky Ram Meena aged about 40 years, resident of 96 Shiv Gorashak Nagar, Model Town Jagatpura, Jaipur and presently working as Sr. Section Engineer (P Way) under Chief Engineer Track North Western Railway, Jaipur Division, Jaipur.

2. Ashok Kumar Meena son of Shri Bal Krishna Meena aged 42 years, resident of 107, Shiv Gorakshak Nagar, Model Town, Jagatpura, Jaipur and presently working as Sr. Section Engineer (Works) Special Jaipur under Sr. Divisional Engineer (Headquarter) North Western Railway, Jaipur Division, Jaipur.

.....Applicants

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate Mumbai.

2. Union of India through General Manager (Establishment) North Western Zone, North Western Railway, Jaipur.

3. Divisional Railway Manager (Establishment), North Western Railway, Jaipur Division, Jaipur.

.....Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

Mr.S.S.Hassan, Counsel for the respondents.

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CORAM:

Hon'ble Mr. S.K. Agrawal, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant has filed this OA therereby praying that the respondents may be directed to interpolate the names of the applicant in list A (Annexure A/3 and Annexure A/9) and allow to appear in the written examination going to be held on 15.11.2003 for the promotion to the post of Assistant Engineer (Group 'B') Civil Engineering Department treating them as eligible against ST quota by quashing letter dated 31.10.2003 (Annexure A/1). It was further prayed that the respondents be further directed to place officials of ST community in list A from list B against twice failed and unwilling officials of ST community and not to place officials those belonging to other communities.

2. Notice of this application was given to the respondents. The respondents have filed reply whereby opposing the relief as claimed by the applicant. Subsequently, the respondents have also filed additional reply. In the Additional reply, it has been stated that the impugned notification dated 24.9.2003 (Annexure A/3) has been cancelled vide Headquarter letter dated 29.3.2004 (Annexure R/1). Since the notification dated 24.9.2003 has been cancelled, this OA filed by the applicant has become infructuous. It is further stated that the Railway Board has issued a letter dated 12.2.2004 whereby it has been directed that the Group B selections/LDCE to be conducted independently by new zones for the vacancies in their jurisdiction and the selections which have been notified with the combined vacancies but for which a written examination has not been held, the notification may be cancelled. The respondents have further stated that in view of notification for Group 'B' post of Assistant Engineer issued vide notification dated 24.9.2003 (Annexure A/3) has been cancelled, a fresh notification for Assistant Engineer

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(Group 'B') against 70 percent of vacancies in Western Railway jurisdiction is proposed to be issued.

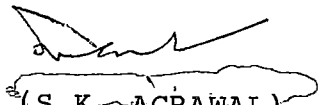
3. In view of the stand taken by the respondents in the additional reply, this OA does not survive. In case the applicant is aggrieved by letter dated 12.2.2004 issued by the Railway Board, it will be permissible to the applicant to challenge the validity of the said letter.

4. With these observations, this Original Application is disposed of.

5. In view of the order passed in the OA, no order is required to be passed in the MA, which shall also stand disposed of accordingly.


(M.L. CHAUHAN)

MEMBER (J)


(S.K. AGRAWAL)

MEMBER (A)

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