

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 308 of 1998

Jabalpur, this the 20th day of March 2003.

Hon'ble Mr. Sahakar Raju, Member (Judicial)
Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

1. Lokesh Verma, aged 34 years, S/o S.C.Verma
~~S/o~~ I.O.W., Central Railway, Bhopal
2. A.K. Shrivastava, aged 35 years, S/o S.C.Shrivastava
~~S/o~~ I.O.W., Central Railway, Bhopal.
3. A.K. Barsaiyan, aged 40 years, S/o S.K.Basaiyan
~~S/o~~ I.O.W., Central Railway, Bhopal
4. M.L. Golani, aged 48 years, S/o K.R.Golani
P.W.I., Central Railway, Bhopal

- APPLICANTS

(By Advocate - None)

VERSUS

1. Union of India, through Secretary,
Railway Deptt. New Delhi.
2. Chief Personal Officer (Engg), Central
Railway, Headquarters Office, Personal
Branch, Mumbai, CST

- RESPONDENTS

(By Advocate - Shri S.P.Sinha)

O R D E R (Oral)

By R.K.Upadhyaya, Member (Admnv.)-

The applicants have filed this O.A. seeking a direction that the order dated 19.3.1998 (Annexure-A-1) regarding selection of class-III staff for promotion to Group 'B' service (AEN) in Civil Engg.Deptt, be directed to be corrected.

2. The claim of the applicants is that the list of eligible candidates issued along with the impugned order dated 19.3.1998 has not been properly prepared, therefore, the applicants have been excluded from appearing in the examination.
3. Since nobody appeared on behalf of the applicants, at the time of hearing, this application is disposed of under Rule 15(1) of Central Administrative Tribunal (Procedure) Rules, 1987.

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with the help of learned counsel of respondents and on the basis of material already available on record.

4. It has been stated by the respondents that a notification was issued on 19.3.1998 for filling up of 57 posts against 70% departmental quota in Civil Engineering Department in Class-II posts. As per Board's directives 3 times number of vacancies are required to be called for written test. In addition to this, equal number of candidates who have failed twice in written test on two occasions, are also required to be called for appearing in the written test. Thus, total 210 candidates were called for appearing in the written test. Keeping in view the fact that some candidates may give unwillingness for appearing in the written test, 50 additional candidates were included as 'stand by' as per Annexure-R-I. In the list of eligible candidates names of some of the employees who had retired/voluntarily retired/expired and promoted to higher grades, were included erroneously, as accurate position in respect of their present status was not available, therefore, their names were subsequently deleted and equal number of staff from the 'stand by' list were called to appear in the written test held on 25.4.1998 and 23.5.1998. The respondents have submitted that after the correction of list, out of 4 applicants, 3 applicants S/Shri Lokesh Verma, A.K.Srivastava and A.K.Barsiya have already been called to appear in the written examination. As regards applicant no.4 i.e. M.L.Golan, he has been called to appear in the written test provisionally in terms of order of this Tribunal dated 22.4.1998, although he was not eligible to appear in the written test. It was, therefore, stated by the learned counsel of the respondents that this O.A. has become infructuous and should be dismissed as such.

5. We have heard the learned counsel of the respondents and have also perused the material available on record.

6. The statements of respondents, referred to above, have not been controverted by the applicants. They have not filed any rejoinder. In view of the fact that applicants 1 to 3 have

already been allowed to appear in the written test, this O.A. has become infructuous so far as their claims are concerned. The contention of the respondents that applicant no.4 was not eligible has not been controvered by the applicant no.4, therefore, no benefit can be extended to him on the basis of averments in this O.A. Therefore, the claim of applicant no.4 is rejected.

7. In the result, the O.A. is dismissed for the reasons stated in the preceding paragraph. No costs.

U. Singh

(R.K. Upadhyaya)
Member (Admnv.)

S. Raju

(Shanker Raju)
Member (Judicial)

rkv.

पूर्वांकन सं. दोषान्तरा.....का.....

दाखिला करने वाले

- (1) शंकर राजु
- (2) राम कुमार
- (3) राम कुमार
- (4) राम कुमार

दाखिला देने वाले R. Raju Date
S. P. Sinha Adm.

Shastri
26/3/03

Issued
On 26.3.03
By