

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 449/2005.

Jaipur, this the 30th day of September, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

1. Sanjeev Kumar
So Mohan Lal,
Aged about 22 years,
R/o House No.1011-B,
New Railway colony,
Kota (Rajasthan).

2. Sanjay
S/o Suraj Mal,
Aged about 22 years,
R/o Nayapura, Kota.

3. Sunil Kumar Sharma
S/o Shri Uma Shankar Sharma,
Aged about 23 years,
R/o Nai Basti, Sogariya,
Kota, Rajasthan.

... Applicants

By Advocate : Shri Raj Dev Tripathi.

Vs.

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (M.P.)
2. Divisional Railway Manager,
Kota Division, West Central Railway,
Kota (Rajasthan).

... Respondents.

: O R D E R :

The applicants have filed this OA thereby praying
for the following reliefs :-

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"(i) To direct the respondents to consider the candidature of the applicants for the post of Fresh Face Substitutes.

(ii) any other order or direction which this Hon'ble tribunal may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the humble applicants including award of cost of this Original Application."

2. The brief facts of the case are that the respondents invite application for the post of Fresh Face Substitutes vide order dated 10.9.2004. It is further averred that the applicants approached the respondents for obtaining the form but the respondents deny their candidature. Now the applicant has filed this OA basing his claim on the interim order passed by the CAT, Jodhpur Bench, on 1.10.2004, which is in the following terms :-

".....

The applicants claim that they have requisite qualification and have obtained the National Trade Certificate from the Industrial Training Institute as well as a certificate under National Apprenticeship Act, 1961, but they have not been called for interview, therefore, final result of the selection panel may not be declared.

The respondents are directed not to finalise the result of the selection. It is made clear that this interim order shall not extend further except by a specific order. Notice be given dasti."

3. I have heard the Learned Counsel for the applicant. I am of the view that the applicant has no locus-standi to file the OA. The interim order passed by the CAT, Jodhpur Bench, in OA No.238/2004 vide order dated 1.10.2004 is not applicable to the facts and

circumstances of this case, as can be seen from the interim order passed by the Bench, the applicants therein have approached before the Tribunal well in time thereby stating that they have requisite qualification and have obtained the National Trade Certificate from the Industrial Training Institute as well as a certificate under National Apprenticeship Act, 1961, but they have not been called for interview. It is under these circumstances, the interim order was ~~passed~~ by the Hon'ble Jodhpur Bench that the respondents are directed not to finalise the result of the selection. In the instant case, the applicants have never applied, as such, there was no occasion for them to be called for interview, which in all probability must have been finalized.

4. Under these circumstances, I am of the firm view that the applicants are not entitled for any relief. However, the interim order passed by a Bench does not have binding force as it cannot be said to be a judgment. Even on this basis, the applicants are not entitled to any relief. Accordingly, the OA is dismissed at admission stage with no order as to costs.



(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./