

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

27

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

29.07.2008

OA No. 391/2007

Mr. Nand Kishore, Counsel for applicant.
Mr. R.G. Gupta, Counsel for respondents.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Bench on 19.08.2008.

*Rejoinder
not dictated*

afq


(GURMIT SINGH)
DEPUTY REGISTRAR

19.08.2008

OA No. 391/2007

Mr. Nand Kishore, Counsel for applicant.
Mr. R.G. Gupta, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th August, 2008

ORIGINATION APPLICATION NO. 391/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Aditya Prakash Sankhla son of Shri Mool Chand Sankhala aged about 45 years, working as Diesel Mechanic Grade I, Scale Rs.4500-7000/- resident of Near Railway Crossing Gate Purani Chungi, Adarsh Nagar, Ajmer.

.....APPLICANT

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. R.G. Gupta)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following relief:-

"(i) that the letter issued by the respondents dated 11.01.2007 (A/1) vide which the applicant was declared ineligible is to be declared null & void, bad in law.

- (ii) That the respondents may further be directed that the cancellation of written test declared on 27.5.2006 vide their letter dated 7.12.2006 may be declared bad in law and cancel the same.
- (iii) That they may be further directed that the applicant may be allowed to appear in the written examination in pursuance to the notification dated 20.8.2007 and if found suitable he may be promoted against the same selection.
- (iv) Any other directions and orders, which are, deemed proper in the facts and circumstances of the case may kindly be allowed to the applicant.
- (v) Cost may be awarded in favour of the applicant."

2. Briefly stated, facts of the case are that the written test for selection to the post of J.E. Grade II, scale Rs.5000-8000/- was conducted by the respondents on 27.05.2006 in which the applicant appeared and was declared successful. However, the result of the said written test was cancelled by respondent no. 2 vide letter dated 07.12.2006 (Annexure A/6). Intimation to this ^{effect} was also given to the affected parties as can be seen from that letter. Subsequently, the respondents have again notified selection to the said post vide notification dated 20.08.2007 (Annexure A/2). The applicant was held in-eligible in the eligibility list so prepared vide letter dated 18.09.2007 (Annexure A/3) as the applicant has completed age of 45 years as on 20.08.2007.

3. The applicant filed representation dated 25.08.2007 (Annexure A/7) to the respondents whereby he has stated that he may be held eligible for the said examination as according to him, he became over-age on account of the fact that the earlier examination was cancelled by the respondents otherwise he could have been selected in the earlier selection.

4. This Tribunal while issuing notice on 05.11.2007 relied upon the judgement rendered by the Hon'ble Rajasthan High Court in the case of Mahaveer Prasad Meena vs. Union of India & Others, 2006(1) ATJ 145, directed the respondents to permit the applicant to appear in the written test pursuant to notification dated 20.08.2007 provisionally. Accordingly, the applicant was permitted to appear in the said examination.

5. Notice of this application was given to the respondents. The respondents have filed reply thereby opposing the claim of the applicant. However, subsequently the respondents have placed on record a notification dated 24.03.2008 whereby the result of the candidates who have qualified the said examination has been declared in which the name of the applicant did not find mention.

6. In view of this subsequent development, we are of the view that no relief can be granted to the applicant and the present OA has become infructuous.

7. Accordingly, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ