

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 19th day of May, 2008

ORIGINAL APPLICATION NO.152/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Abdul Rafiq,
Junior Engiener (Ist),
Diesel Electric Shop,
Loco Workshop,
Ajmer.

... Applicant

(By Advocate : In person)

Versus

Union of India through
General Manager,
North Western Railway,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

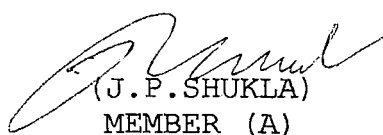
The applicant has filed this OA regarding selection to the post of Section Engineer held on 28.6.2005. Grievance of the applicant is that his answer sheet has not been correctly assessed and there are discrepancies. The said submission of the applicant was sought to be substantiated on the basis of question paper and answer sheet as Annexure A/2 and Annexure A/3.


2. The applicant had earlier filed an OA before this Tribunal regarding the same subject matter,

which was registered as OA 59/2008 and decided on 4.3.2008, whereby Annexure A/2 and Annexure A/3 appended with this OA were annexed as Ann.A/4 and Ann.A/5 in that OA. This Tribunal dismissed the said OA, at admission stage itself, on the ground that this Tribunal has no jurisdiction to reassess and reevaluate the answer sheet unless there is specific provision to that effect. This Tribunal in the earlier OA specifically held that the applicant has not pointed out any such provision and as such it is not permissible for this Tribunal to give direction to the respondents to reassess and reevaluate the answer sheet of the applicant.

3. By way of present OA, the applicant is seeking the same relief on the ground that he has made a representation to the respondents thereby pointing out the discrepancies on the basis of Annexure A/2 and Annexure A/3 and the respondents have not decided the said representation. In para-7 of the OA, the applicant was required to give declaration to the effect that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other bench of the Tribunal nor any such application, writ petition or suit is pending before any of them. The applicant has conveniently suppressed the fact regarding filing of OA 59/2008 before this Tribunal for the same cause of action.

4. Thus, we are of the view that the present OA is wholly misconceived and deserves to be dismissed on the aforesaid ground. Accordingly, the OA is dismissed with no order as to costs.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)