

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

28.08.2008

OA No. 194/2008 with MA 280/2008

OA No. 195/2008 with MA 278/2008

OA No. 197/2008 with MA 282/2008

OA No. 210/2008 with MA 276/2008

OA No. 211/2008 with MA 281/2008

OA No. 214/2008

OA No. 215/2008


Mr. P.N. Jatti and C.B. Sharma, Counsel for applicants.

Mr. Kunal Rawat (Sr. Standing Counsel) Mr. Hemant Mathur and Mr.

D.C. Sharma, 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. CHOUDHARY)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 28th August, 2008

CORAM:

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

1. **ORIGINAL APPLICATION NO. 194/2008**
WITH
MISC. APPLICATION NO. 230/2008

Manoj Kumar Suwal son of Shri Kalu Ram Suwal. Presently working as Group 'D' Casual Labour in the office of Chief Commissioner, Customs and Central Excise, Jaipur - I, Revenue Building, Statue Circle, Jaipur.

(By Advocate : Mr. P.N. Jatti)

.....Applicant

VERSUS

1. Union of India through the Secretary (Revenue) Ministry of Finance, Vitty Bhawan, New Delhi.
2. The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. Kunal Rawat, Sr. Standing Counsel)

2. **ORIGINAL APPLICATION NO. 195/2008**
WITH
MISC. APPLICATION NO. 278/2008

Ram Lal Bhati son of Shri Narain Lal Bhati. Presently working as Group 'D' Casual Labour in the office of Chief Commissioner, Customs and Central Excise, Jaipur - I, Revenue Building, Statue Circle, Jaipur.

(By Advocate : Mr. P.N. Jatti)

.....Applicant

VERSUS

- 1 Union of India through the Secretary (Revenue) Ministry of Finance, Vitty Bhawan, New Delhi.

2. The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. Hemant Mathur)

3. **ORIGINAL APPLICATION NO. 197/2008**
WITH
MISC. APPLICATION NO. 282/2008

Ved Prakash Sharma son of Shri Ramavtar Sharma. Presently working as Group 'D' Casual Labour in the office of Chief Commissioner, Customs and Central Excise, Jaipur - I, Revenue Building, Statue Circle, Jaipur.

(By Advocate : Mr. P.N. Jatti)

.....Applicant

VERSUS

- 1 Union of India through the Secretary (Revenue) Ministry of Finance, Vittyah Bhawan, New Delhi.
- 2 The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. Kunal Rawat, Sr. Standing Counsel)

4. **ORIGINAL APPLICATION NO. 210/2008**
WITH
MISC. APPLICATION NO. 276/2008

Sita Ram Gurjar son of Shri Dhanna Ram. Presently working as Group 'D' Casual Labour in the office of Chief Commissioner, Customs and Central Excise, Jaipur - I, Revenue Building, Statue Circle, Jaipur.

(By Advocate : Mr. C.B. Sharma)

.....Applicant

VERSUS

- 1 Union of India through the Secretary (Revenue) Ministry of Finance, Vittyah Bhawan, New Delhi.
- 2 The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur.

3. The Joint Commissioner (Personnel and Vigilance), Jaipur-I,
Central Excise & Customs, Custom Commissionerate, New
Central Revenue Building, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. Hemant Mathur)

5. **ORIGINAL APPLICATION NO. 211/2008**

WITH

MISC. APPLICATION NO. 281/2008

Rajesh Kumar son of Shri Naman Singh. Presently working as
Group 'D' Casual Labour in the office of Chief Commissioner,
Customs and Central Excise, Jaipur - I, Revenue Building, Statue
Circle, Jaipur.

(By Advocate : Mr. C.S. Sharma)

.....Applicant

VERSUS

- 1 Union of India through the Secretary (Revenue) Ministry of
Finance, Vitya Bhawan, New Delhi.
- 2 The Chief Commissioner, Central Excise and Customs
Department, Government of India, Statue Circle, Jaipur.
- 3 The Joint Commissioner (Personnel and Vigilance), Jaipur-I,
Central Excise & Customs, Custom Commissionerate, New
Central Revenue Building, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. Kunal Rawat, Sr. Standing Counsel)

6. **ORIGINAL APPLICATION NO. 214/2008**

Madan Lal son of Shri Bhanwar Lal. Presently working as Group
'D' Casual Labour in the office of Chief Commissioner, Customs
and Central Excise, Jaipur - I, Revenue Building, Statue Circle,
Jaipur.

(By Advocate : Mr. P.N. Jatti)

.....Applicant

VERSUS

- 1 Union of India through the Secretary (Revenue) Ministry of
Finance, Vitya Bhawan, New Delhi.

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- 2 The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. D.C. Sharma)

7. **ORIGINAL APPLICATION NO. 215/2008**

Babu Lal son of Shri Chiranjil Lal. Presently working as Group 'D' Casual Labour in the office of Chief Commissioner, Customs and Central Excise, Jaipur - I, Revenue Building, Statue Circle, Jaipur.

(By Advocate : Mr. P.N. Jatti)

.....Applicant

VERSUS

- 1 Union of India through the Secretary (Revenue) Ministry of Finance, Vitya Bhawan, New Delhi.
- 2 The Chief Commissioner, Central Excise and Customs Department, Government of India, Statue Circle, Jaipur.

....Respondents

(By Advocate: Mr. D.C. Sharma)

ORDER (ORAL)

By this common order, we propose to dispose of these ~~these~~ OAs as common question of facts is involved in these OAs.

2. These OAs were filed by the applicants with the averments that the respondents are conducting interview for the Group 'D' post of Sepoy. The applicants have not been issued call letter on the ground that they are over age whereas the applicants have served with the Department as Casual Labour and if that period is excluded, in that eventuality they are not overaged.

3. Notice of these applications were given to the respondents. The respondents have filed their reply. In the reply, it has been stated that

except applicant in OA No. 194/2008, Shri Manoj Kumar, all other candidates are over age. The applicants were permitted to appear in the selection test provisionally by this Tribunal and the result of the applicants was kept in sealed cover. The sealed cover was opened by this Tribunal and it was found that none of the applicants have qualified the Screening test as they have not secured 120 marks out of 200 which were cut off marks fixed by the respondents.

4. Accordingly, it was clarified vide Tribunal's order dated 25.07.2008 that since the OAs of the applicants were confined only with regard to appearing in the interview test/selection test for the Group 'D' post of Sepoy and the issue regarding whether the respondents could have resorted to Screening test before conducting the physical test as well as interview test is not the issue in these OAs as such this plea cannot be entertained in these OAs.

5. In view of what has been stated above, we are of the view that these present OAs have become infructuous. In case the applicants are aggrieved by the action of the respondents by resorting to screening test before conducting physical test and interview, it will be open for them to file substantive OA and dismissal of these OAs will not come in their way to agitate this point in the substantive OAs.

6. With these observations, these OAs are disposed of with no order as to costs.

7. In view of the order passed in the OAs, no order is required to be passed in the MA, which is also disposed of accordingly.

(B.L. KHATRI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ