

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

(21)

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**ORDERS OF THE BENCH**

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**Date of Order: 23.03.2012**

OA No. 495/2008

Mr. Ashok Joshi, proxy counsel for  
Mr. S.S. Ola, counsel for applicants.  
Mr. Anupam Agarwal, counsel for respondents.

Heard. O.A. is disposed of by a separate order on  
the separate sheets for the reasons recorded therein.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

*K. S. Rathore*  
(JUSTICE K.S. RATHORE)  
MEMBER (J)

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 495/2008

**DATE OF ORDER:** 23.03.2012

**CORAM**

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER**  
**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

1. Kanhaiya Lal Sharma S/o Shri Shyamlal, aged about 48 years, R/o Maheshwari Colony, Janta Bazar, Madanganj, Kishangarh, Ajmer.
2. Chhatar Singh Rathore S/o Shri Amar Singh Sodha, aged about 45 years, R/o 30, Govindpuri, Opposite Railway Station, Sikar.
3. Ram Kumar Singh S/o Shri Noparam, aged about 46 years, R/o 28, Govindpuri, Opposite Railway Station, Sikar.
4. Laxman Bhanwaria S/o Shri Ramdev, aged about 42 years, R/o Near Maharshi Dadhich School, Madanganj, Kishangarh, Ajmer.
5. Gokul Prasad Sharma, S/o Shri Harsukhlal, aged about 39 years, R/o 116, Green Park, A-5 Scheme, Khatipura, Jaipur.
6. Balbir Singh Jat S/o Shri Ramdev, aged about 52 years, R/o Ghosliyan Ki Dhani, Post Office Patwari Ka Bas, Reengas, Via Sri Madhopur, District Sikar.
7. Sushil Kumar Agrawal S/o Shri Devi Dayal, aged about 41 years, R/o 379, Katewa Nagar, New Sanganer Road, Sodala, Jaipur.

All the applicants are working in the scale Rs. 5000-8000 on the post of Head TTE on adhoc basis except applicant no. 7.

...Applicants

Mr. Ashok Joshi, proxy counsel for  
Mr. S.S. Ola, counsel for applicants.

**VERSUS**

1. The Union of India through its General Manager, North Western Railway, Headquarters Office, Opposite Railway Hospital, Jaipur.
2. Divisional Railway Manager, Jaipur Division, Jaipur.

...Respondents

Mr. Anupam Agarwal, counsel for respondents.

**ORDER (ORAL)**

On 19.03.2012, the matter was heard at a considerable length and, during the course of arguments, the respondents



were directed to inform this Bench of the Tribunal whether the applicants have appeared in the selection, which was held in pursuance to the notification dated 25.11.2008, which is under challenge in this Original Application. Today, the learned counsel appearing for the respondents have categorically stated at the bar, after verifying and seeking instructions from the respondents, that no examination was held pursuant to the notification dated 25.11.2008, and further submits that at para 'VIII' of the reply, it is categorically stated that 'because of the implementation of 6th Pay Commission recommendations wherein the grades had been merged, the notification has already been postponed till further orders".

2. Meaning thereby, the notification under challenge dated 25.11.2008 (Annex. A/1) has been postponed till further orders and no examination what so ever conducted pursuant to this notification dated 25.11.2008, and the grievance of the applicants is with regard to the notification dated 25.11.2008 by which the applicants were called upon to appear in the examination for which through Annexure A/3 office order dated 20.04.2008, the applicants were provisionally empanelled for the post of Head TTE / Head TC in the pay scale of Rs. 5000-8000.

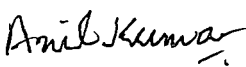
3. In view of the submission made on behalf of the respondents and considering the averments made in the reply, since no examination pursuant to the notification dated 25.11.2008 (Annex. A/1) has been conducted, in our considered view, the Original Application has become infructuous.

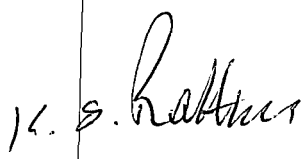


4. Learned counsel appearing for the applicants admits to the extent that since the respondents are not holding the selection pursuant to the notification under challenge dated 25.11.2008 (Annex. A/1), this Original Application has become infructuous, but still the grievance of the applicants remains.

5. Be that as it may, the ends of justice would be met, if we grant liberty to the applicants to redress their grievances before the competent authority, and they may also file substantive Original Application, if any adverse order is passed by the respondents against their interest.

6. In view of the above, the Original Application stands disposed of as having become infructuous. The applicants are given liberty to redress their grievances, if any, before the competent authority, and they are also at liberty to file substantive Original Application, if any adverse order is passed by the respondents against their interest.

  
(ANIL KUMAR)  
MEMBER (A)

  
(JUSTICE K.S. RATHORE)  
MEMBER (J)