

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 30th day of September, 2008

ORIGINAL APPLICATION NO.61/2008

CORAM :

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

1. Jai Singh s/o Shri Mool Singh r/o Railway Colony, Bandikui.
2. Pramod Saxena s/o Shri Lajpat Rai r/o c/o O.P. Vishwakarma, Green Avenue, Jaipur.

... Applicants

(By Advocate : Shri P.V.Calla)

Versus

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

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

"It is, therefore, prayed that Hon'ble Tribunal may kindly call for entire record relating to this case and by an appropriate order or direction, respondents may be directed to determine the vacancy properly and first.

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restored to process for providing high scale to the eligible general category candidates next higher grade under re-structuring scheme in the scale Rs.6500-10500. Further, respondents may be directed to enlarge the list of eligible candidates by providing higher scale to the general category candidates restoring their position as it was prior to passing of impugned order Ann.A/3. Impugned notifications, Annexure A/1 and Annexure A/2 dated 4.2.2008 and 8.2.2008 respectively may kindly be declared illegal."

2. Grievance of the applicants in this OA was that the respondents have proceeded, vide Ann.A/1, for holding selection for the post of Chief Ticket Inspector (CTI), but they have not prepared the eligibility list correctly as also the vacancies have not been determined correctly, vide Ann.A/1 & A/2, in respect of general category candidates.

3. When the matter was listed before this Tribunal on 29.2.2008, this Tribunal had passed a detailed order restraining the respondents to proceed further in the matter and operation of the impugned orders/notifications (Ann.A/1 & A/2) was stayed. Subsequently, the respondents, pursuant to the observations made in the order dated 29.2.2008, granted promotion to the persons in respect of the vacancies which were to be filled on account of restructuring, without applying reservation. Thereafter, the matter was listed time and again. Since the direction given by this Tribunal in the order dated 29.2.2008 was not complied with, the application moved by the respondents for clarification of the order dated 29.2.2008 was disposed of by making certain observations.


4. Now, the respondents have moved MA 292/2008 thereby annexing a copy of the order dated 22.7.2008 (Ann.MA/1). In para-2 of this MA the respondents have stated that they are going to conduct de-novo selection after reviewing the eligibility list and necessary action has been initiated vide order dated 22.7.2008 (Ann.MA/1).


5. From perusal of the order dated 22.7.2008 (Ann.MA/1), it is clear that pursuant to the order

passed by this Tribunal on 8.7.2008 [in MA 199/2008 (OA 212/2008)], the impugned notifications/orders have been cancelled/withdrawn and regarding the aforesaid selection, de-novo proceedings will be conducted. As can be seen from the order dated 22.7.2008, the notifications which have been cancelled/withdrawn are dated 4.2.2008 & 8.2.2008, which are the subject matter of this OA, besides some other notifications.

6. In view of this subsequent development, we are of the view that the present OA has become infructuous. It is, however, clarified that in the case the applicants are aggrieved by the eligibility list, which will be issued subsequently by the respondents in respect of the aforesaid post, it will be open for the applicants to challenge the said eligibility list thereby taking all permissible objections, including the objections raised in this OA, as and when notification is issued by the respondents and disposal of this OA will not come in the way of the applicants to raise all such objections. Needless to add that the respondents will prepare the eligibility list in accordance with law.

7. With these observations, the OA stands disposed of as having become infructuous. No order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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