

26.02.2009

OA No. 59/2009

Mr. V.K. Mathur, Counsel for applicant.

Learned counsel for the applicant prays for adjournment. Prayer granted.

Let the matter be listed on 04.03.2009.


(M.L. CHAUHAN)
MEMBER (J)


(B.L. KHATRI)
MEMBER (A)

AHQ

04.03.2009

OA No. 59/2009

Mr. V.K. Mathur, Counsel for applicant.

Heard learned counsel for the applicant.

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


(M.L. CHAUHAN)
MEMBER (J)


(B.L. KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th day of March, 2009

ORIGINAL APPLICATION NO. 59/2009

CORAM:

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

Vijay Kumar Tripathi son of Shri Vivek Chandra Sharma (Tripathi), aged about 29 years, resident of Gurudwara Road, Ashok Vihar Colony, Dholpur, Rajasthan.

.....APPLICANT

(By Advocate: Mr. V.K. Mathur)

VERSUS

1. Union of India through General Manager, North Western Railway, Churchgate, Mumbai.
2. Railway Recruitment Board, Ajmer through its Chairman, 2010 Nehru Marg, Near Ambedkar Circle, Ajmer (Rajasthan).

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying that the impugned order dated 21.02.2008 (Annexure A/1) and order dated 03.03.2008 (Annexure A/2) may kindly be quashed and direction may be given to the ~~Respondent~~ ^{Applicant} to declare the result of the applicant. Alongwith this OA, the applicant has also annexed the copy of the representation at Annexure A/13, which has been addressed to Respondent no. 2 and also to the Secretary Vigilance, Railway Board, New Delhi. Since in the representation, no date was mentioned, the matter was adjourned in order to ascertain as to when the representation was made to Respondent no. 2. Learned counsel for the applicant submits that he has filed an Additional Affidavit, the

same is not record. The Registry is directed to place the same on record. Learned counsel for the applicant further submits that the date of representation at Annexure A/13, addressed to respondent no. 2, is 23/03/2008.

2. Since in this case, respondent no. 2 has asked the applicant to substantiate his claim whether he is Tripathi, as indicated in the Education Certificate, or he is Sharma, which caste has been indicated while submitting his application for seeking employment to the Railway Board, we are of the view that this matter can be sorted out at the level of Respondent no. 2, who has asked such information from the applicant and it is not desirable to entertain this OA at this stage. Accordingly, direction is given to Respondent no. 2 to decide the representation of the applicant at Annexure A/13, Page No. 38 to the Paper Book, within a period of two months from the date of receipt of a copy of this order by passing a reasoned & speaking order. In case the applicant is still aggrieved by the order to be passed by respondent no. 2, it is open for him to file substantive OA.

6. With these observations, the OA is disposed of with no order as to costs. We wish to mention here that we have not gone into merit of the case and it is for the authority concerned to pass appropriate orders *as per law*.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ