

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of July, 2010

ORIGINAL APPLICATION NO. 496/2009

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

Manish Kumar Joshi son of Shri Nagendra Kumar Sharma aged about 28 years, resident of 1 L-17, Mahaveer Nagar-III Extension, Kota and presently working as Khallasi under Senior Section Engineer, Railway Electrification, Kota.

.....Applicant

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

VERSUS

1. Union of India through General Manager, Western Zone, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Zone, Western Railway, Ratlam Division, Ratlam.
3. Senior Section Engineer, Railway Electrification, Kota.

.....Respondents

(By Advocate: Mr. Siya Ram proxy to Mr. T.P. Sharma)

ORDER (ORAL)

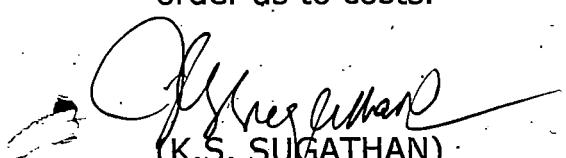
The grievance of the applicant in this case is regarding cancellation of the examination for the post of Skilled Artisan Grade III scale Rs.5200-20,200 plus Rs.1900 grade pay under 25% quota for serving employees conducted on 17.01.2009, the result of which was declared on 29.01.2009. The applicant has qualified the said examination. The prayer of the applicant in this OA is that the directions may be given to the respondents to grant him promotion on the basis of the aforesaid examination so qualified by him. It may be stated that pursuant to the cancellation of the aforesaid examination, the respondents have issued another notification dated 01.12.2009 for the same post. Vide order dated 22.12.2009, this Tribunal directed

that the respondents may proceed with the matter but no final appointment shall be made except with the leave of this Tribunal.

2. The respondents have placed on record a Memorandum dated 31.03.2010 (Annexure R/2), perusal of which shows that the applicant had also qualified the subsequent examination and his name find mentioned at sr. no. 2 of the aforesaid memorandum.

3. Thus in view of the fact that the applicant has also qualified the subsequent examination, which was held vide notification dated 01.12.2009, we are of the view that the interim stay so granted on 22.12.2009 is required to be vacated so that the applicant and other persons so selected can be given appointment on the post of Skilled Artisan Grade III. In view of this subsequent development, we are not inclined to go into the question whether the cancellation of the earlier examination by the respondents was justified or not. Since the applicant has already suffered a lot and despite the qualifying the ^{earlier} examination, he has not been given appointment on the post of Skilled Artisan Grade III, we are of the view that the respondents shall act expeditiously pursuant to OM dated 31.03.2010 and in any case pass appropriate order within one month from the date of receipt of a copy of this order.

4. With these observations, the OA is disposed of with no order as to costs.


(K.S. SUGATHAN)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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