

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

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ORDERS OF THE BENCH

Date of Order: 05.10.2012

OA No. 346/2010

Mr. C.B. Sharma, counsel for applicants.
Mr. Indresh Sharma, counsel for respondents.

Heard learned counsel for the parties.

O.A. is dismissed by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

P.L.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 346/2010

DATE OF ORDER: 05.10.2012

CORAM

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

1. Vishnu Sharma S/o Shri Ram Ji Lal Sharma, aged about 44 years, R/o B-284, Janta Colony, Jaipur and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
2. Neelam Sharma D/o Shri Lekh Raj Pathak, aged about 26 years, R/o D-293, Railway Colony, Jagatpura, Jaipur and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
3. Girandra Kumar S/o Shri Mahaveer Prasad, aged about 41 years, R/o Plot No. 119, Devdhana Colony, Murlipura Scheme, Jaipur and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
4. Amit Kumar Gupta S/o Shri O.P. Gupta, aged about 30 years, R/o 57, Ganesh Colony, Khatipura Road, Jaipur, and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
5. Sunil Singh S/o Shri Bhom Singh, aged about 30 years, R/o 157, Rajani Bihar, Near Heerapura Power House, Ajmer Road, Jaipur, and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
6. Anil Tiwari S/o Shri Man Mohan Tiwari, aged about 32 years, R/o 50/108, Rajat Path, Mansarover, Jaipur and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
7. Vivek Sharma S/o Shri Vishnu Kant Sharma, aged about 40 years, R/o 3, Choudhary Nagar, Ajmer Road, Jaipur and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.

8. Hemraj Meena S/o Shri Meva Ram Meena, aged about 39 years, R/o 78, Kailashpuri, Jagatpura, Jaipur and presently working as Enquiry Cum Reservation Clerk, Railway Station Jaipur, North Western Railway, Jaipur – 302006.
9. Sanjeev Bhardawaj S/o Shri Sheetal Prasad Bhardawaj, aged about 40 years, R/o 141, Shiv Shakti Nagar, Jagatpura, Modal Town, Jaipur and presently working as Enquiry Cum Reservation Clerk and on deputation as Work Study Inspector, North Western Railway, Head Quartered Office, Jaipur – 302006.

...Applicants

Mr. C.B. Sharma, counsel for applicants.

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur – 302006.
2. Divisional Railway Manager, North Western Railway, Jaipur Division, Jaipur – 302006.

... Respondents

Mr. Indresh Sharma, counsel for respondents.

ORDER (ORAL)

Heard learned counsels appearing for the respective parties.

2. From bare perusal of the order-sheets, it reveals that while issuing notice to the respondents on 23.07.2010, this Bench of the Tribunal was of the view that till the matter in controversy is not decided by this Tribunal, it will be in the interest of justice, if the applicant nos. 1 to 3 are permitted to appear provisionally in the selection test for the post of Commercial Inspector as per notification dated 15.03.2010. It was also observed that only applicant nos. 1 to 3 have applied for the post of Commercial Inspector and other applicants have not applied for the aforesaid



post. It was further observed that the result of such selection in respect of applicant nos. 1 to 3 shall be kept in sealed cover.

3. Further, this Bench of the Tribunal vide order dated 30.08.2012 has directed the respondents to produce the result of applicant nos. 1, 2 & 3 under sealed cover for our perusal.

4. In compliance of the order dated 30.08.2012, learned counsel appearing for the respondents placed before us the result of the applicant nos. 1, 2 & 3 under sealed cover for our perusal. Upon careful perusal of the result, it reveals that the applicant nos. 1, 2 & 3 have been declared failed. In view of this fact, without going into the merit of the case and also without deciding the question of eligibility of the applicants for promotion to the post of Commercial Inspector, we are of the opinion that the present Original Application has become infructuous.

5. However, the applicants are at liberty to redress the issue of eligibility of the applicants for promotion to the post of Commercial Inspector, as and when necessity arises, before the competent authority / appropriate forum, as the issue of eligibility of the applicants is left open.

6. Accordingly, the result of applicant nos. 1, 2 & 3 is returned back to the learned counsel for the respondents, and the respondents are at liberty to declare the complete result in question including the result of the applicants.



7. With the above observations, the present Original Application stands dismissed as having become infructuous.

There shall be no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K.S. Rathore

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

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