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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

23.12.2010

OA 537/2010

Mr. Vijay Singh, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 23rd day of December, 2010

ORIGINAL APPLICATION No.537/2010

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Narendra Kumar,
Sr.TOA(G),
GMTD, Telecommunication,
Bharatpur.

... Applicant

(By Advocate : Shri Vijay Singh)

Versus

1. BSNL through its Chairman-cum-Managing Director,
3rd Floor, H.C.Mathare Lane, Janpath,
New Delhi.
2. Chief General Manager,
Telecom,
Rajasthan Telecommunication Circle,
Sardar Patel Marg,
Jaipur.
3. General Manager,
GMTD, Telecommunication,
Bharatpur.
4. Divisional Engineer (Admn)/
Asstt. General Manager (Adm),
O/o GMTD, Bharatpur.
5. Sub-Divisional Engineer (HRD),
O/o GMTD, Bharatpur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the
following relief :



- "a) The respondents may kindly be directed to place entire record relating to the present case before this Hon'ble Tribunal.
- b) The order dated 20.10.09 may kindly be quashed and set aside. The respondents may kindly be directed to convene a special JAO Part II Internal Competitive Examination on a suitable date and allow the applicant to appear in the said examination with all consequential benefits.
- c) The respondents may kindly be directed to suitably compensate the applicant for infringement of his fundamental rights by not allowing/permitting him to participate in the JAO Part II Internal Competitive Examination held in January, 2010 despite possessing the eligibility.
- d) Cost of the application may kindly be allowed."

2. Grievance of the applicant in this case is that although he had submitted an application for permitting him to participate in the JAO Part II Internal Competitive Examination on 10.9.2009 [well within the last date fixed for the same i.e. 14.9.2009] but the same was not forwarded to the Head Office, Jaipur Circle, in time. Thus, the applicant was not permitted to appear in the said examination held w.e.f. 2.1.2010 to 4.1.2010 and as such he was deprived of his fundamental right for participating in the said examination despite possessing the requisite eligibility.

3. The applicant has challenged the impugned order dated 20.10.2009 (Ann.A/1), whereby application forms of 65 candidates were rejected due to late receipt and name of the applicant finds mention in the said list at S.No.57.

4. We have heard learned counsel for the applicant and we are of the view that no relief can be granted to the applicant at this stage even if his application was wrongly rejected by the respondents, as the examination referred to above has already been conducted w.e.f. 2.1.2010 to 4.1.2010. In case the applicant would have filed this OA before that date, he could have been permitted to appear in the said examination

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provisionally. Thus, in view of what has been stated above, no relief can be granted to the applicant at this stage.

5. However, before parting with the matter, we wish to make observation that in case the respondents conduct fresh selection for the post of JAO subsequently, case of the applicant shall be considered sympathetically and in accordance with law.

6. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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