

9

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

03.12.2012

OA No. 443/2012

None present for applicant.

Perused the documents on record. The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

K.S. Rathore

(Justice K.S. Rathore)
Member (J)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION No. 443/2012

Jaipur, the 03rd day of December, 2012

CORAM :

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

Jaideo son of Satish Chand aged about 29 years, resident of Nangla Store, in front of Railway School, Bayana District, Bharatpur at present employed on the post of Trackman HAN, Hindon City under Senior Section Engineer (P.Way), Western Central Railway, Kota Division.

... Applicant

(By Advocate : -----)

Versus

1. Union of India through General Manager, Western Central Railway, Jabalpur, M.P.
2. Divisional Railway Manager (Establishment) Western Central Railway, Kota Division, Kota, Rajasthan.
3. Shiv Raj Mahavar, Trackman HAN, Hindon City through Senior Section Engineer (P.Way), Western Central Railway, Kota Division.

... Respondents.

(By Advocate : -----)

ORDER (ORAL)

None present for the applicant. Earlier on 16.07.2012, at the request of the learned counsel for applicant, the matter was listed on 03.08.2012. On 03.08.2012, the mater was listed before the Joint Registrar but none appeared for the applicant and the matter was listed on 07.09.2012. None appeared for the applicant on 07.09.2012. Again before the Joint Registrar on 15.09.2012 and 06.11.2012 nobody appears and the mater was fixed for admission on 27.11.2012. Nobody appeared on that date since the advocates are abstaining the



work and the matter was adjourned for today (03.12.2012). Today also, nobody appears on behalf of the applicant. It appears that the applicant do not wish to pursue the mater.

2. We have perused the OA on merit. As this OA is directed against the panel dated 09.11.2011 issued by the respondents on the ground that the panel being illegal and arbitrary, the same be quashed and set aside. He further seeks direction that the name of respondent no. 3 be struck off from the panel and the matter be considered against the reserved vacancy instead of general vacancy. Besides this prayer, the applicant also prays that the respondents be directed to re-assess the copy of the applicant.

3. We have perused the panel prepared by the respondents dated 09.11.2011, which is prepared on the basis of the marks obtained in the written examination. The name of the applicant do not find place in the panel as he has not been able to secure requisite percentage of marks as is evident that the applicant himself asked for re-assessment of his copy.

4. Be that as it may, the ends of justice will be met, if we give liberty to the applicant to represent before the respondents to challenge the panel and it is for the respondents, if any representation is made by the applicant, to consider the same in accordance with the provisions of law. At this stage we do not wish to issue any direction.



5. Consequently, the OA being bereft of merit is dismissed in limine.

Anil Kumar

(Anil Kumar)
Member (A)

AHQ

K.S. Rathore

(Justice K.S. Rathore)
Member (J)