

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 01<sup>st</sup> day of August, 2018

Present:

Hon'ble Mr.Justice Bharat Bhushan, Member-J  
Hon'ble Mr. Mohd. Jamshed, Member-A

**Original Application No. 330/01523/2016**  
(U/S 19, Administrative Tribunal Act, 1985)

Parmeshwar Kumar S/o Bhorik Lal R/o Village Pratapur Post  
Sihorwa, District Gorakhpur.

.....Applicant.

By Advocate – None.

**V E R S U S**

1. Union of India through Secretary, Ministry of Railways, Government of India, New Delhi.
2. Chairman Railway Recruitment Board, Railway Station Road, Gorakhpur

.....Respondents.

By Advocates : Shri C.K. Rai proxy counsel for Shri M.K. Singh.

**O R D E R**

**By Hon'ble Mr. Justice Bharat Bhushan, J.M. :**

List revised. None present for the applicant. Shri C.K. Rai proxy counsel for Shri M.K. Singh, counsel for the respondents is present.

2. None present for the applicant. The applicant has sought the following relief(s) in Para No. 8, which are reproduced below:-

***“i. A writ, order or direction in the nature of mandamus commanding the respondents to send the name of the applicant for appointment on the post for which he has been selected.***

***ii. Issue any other writ, order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.***

***iii. Caused of the application may also be awarded in favour of the applicant.”***

3. Respondents' have filed short counter reply dated 02.08.2017 wherein Para Nos. 7 & 8 following averments have been made:-

***“ 7. That, on account of ambiguity on the date of declaration of his ITI results, the candidature of the applicant was under re-examination for empanelment under CEN No. 01/2014. However, he has now been empanelled for category No. 43, post Technician Grade III, Pay 5200-20200+GP 1900/- and the letter of his empanelment has been issued by the answering respondent on 18.07.2017. In this connection the photo copy of the panel/letter dated 18.07.2017 issued by the answering respondent is annexed herewith and marked as Annexure No. 1 to this Short Counter Reply.”***

***8. That, since the applicant has already been empanelled for Category No. 43, post Technician Grade III, Pay 5200-20200+GP 1900/- and the letter of his empanelment has already been issued by the answering respondent, as such no cause of action survives and the present original application deserves to be dismissed.”***

4. It is now clear that the applicant has already been empanelled for the post for which he had applied. Apparently, no cause of action is now survive and the original application has become infructuous. The OA No. 1523 of 2016 is hereby dismissed as having become infructuous.

**(Mohd. Jamshed)**  
Member (A)

**(Justice Bharat Bhushan)**  
Member (J)

/SS/