

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH New Delhi.**

**Misc. Application No.324/2005 and  
R.A. No. 39/2005  
In  
Original Application No. 344/2003.**

**Date of decision: 12-04-05**

**Hon'ble Mr. Kuldip Singh, Vice Chairman.**

**Hon'ble Mr.S.k.Naik, Administrative Member.**

S.S. Bisht, S/o shri Bhampa Singh, R/o Qr. No.1725, Type-II, N.H.  
4, Faridabad (Haryana)

Applicant in O.A/Respondent in R.A.

**Versus**

Union of India and two ors.

Respondents in OA/Applicants in R.A.

**ORDER**

**Per Mr. Kuldip Singh, Vice Chairman.**

In O.A.No. 344/2003, the applicant (respondent in R.A.) has prayed for quashing of order dated 27.12.2002 and direct the respondents ( applicants herein ) to re-evaluate Hindi answer sheet. After hearing the both parties and perusing the records, the O.A was disposed of and the following orders were issued which reads as under:

“ 3. Respondents in their reply have also submitted that department had already taken a decision to cancel the examination, so we find that this O.A can be disposed of at this stage with the direction to the respondents to fill up the second vacancy in accordance with rules and law on the subject at their earliest. No costs.”



(28)

2. The applicants ( respondents in the O.A) have filed the present R.A on 10.02.2005, with Misc. Application No.324/2005 for condoning the delay in filing the R.A. We have perused the affidavit filed in support of the M.A for condoning the delay and we find that the main reason adduced for the delay is that the second vacancy had been filled by one V.B.Rajagopalan vide Office Order No.18/2004 dated 13.02.2004, on qualifying the departmental examination in question and thus there was no vacancy on the date of pronouncement of order in O.A i.e. on 18.05.2004, and on consultation with the advocate the instant R.A. had been filed. We are satisfied that sufficient reasons have been shown for condoning the delay. Accordingly M.A. No.325/2005 is allowed.

3. We have gone through the R.A. Since there was no vacancy, as stated by the applicants herein, and no revaluation is permissible, the order dated 18.05.2004 is recalled and the O.A is dismissed. The R.A. No. 39/2005 is allowed accordingly.

S.K. Naik  
( S.K. Naik )  
Administrative Member.

Kuldeep  
( Kuldip Singh )  
Vice Chairman.

jsv